



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: February 20, 2013

REPORT NO. HO 13-013

ATTENTION: Hearing Officer

SUBJECT: TOWN & COUNTRY PARKING LOT  
PTS PROJECT NUMBER: 118318

LOCATION: 500 Hotel Circle North

APPLICANT: Town and Country Hotel and Resort

### SUMMARY

Issue: Should the Hearing Officer approve a Site Development Permit to implement a restoration and enhancement plan adjacent to the San Diego River, to abate code violations after paving a 112 space parking lot within the Mission Valley Community Plan area?

### Staff Recommendations -

1. CERTIFY Mitigated Negative Declaration No. 118318, and ADOPT the Mitigation, Monitoring, and Reporting Program; and
2. APPROVE Site Development Permit No. 400602.

Community Planning Group Recommendation – On April 2, 2008, the Mission Valley Unified Planning Committee voted 14-0-0, to recommend approval of the project with comments as discussed in this report.

Environmental Review - Mitigated Negative Declaration No. 118318 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce any potential impacts identified in the environmental review process, to a level below significance.

### BACKGROUND

The Town and Country Hotel and Resort is an existing hotel and visitor facility located in Mission Valley since the 1950's (Attachment 1). The Mission Valley Community Plan

designates the approximately 39.4-acre site for Commercial Recreation and Open Space (Attachment 2). The property includes two zone designations with the MVPD-MV-M/SP zone fronting Hotel Circle North and the OF-1-1 zone along the San Diego River. The site is east of Fashion Valley Road, south of the Fashion Valley Mall, north of the Interstate 8 freeway, and one parcel to the west of Highway 163 (Attachment 3). The site is also within the Atlas Specific Plan, approved by the City Council (R-272571) December 13, 1988.

The Town and Country Hotel and Resort was initially developed in 1953, and by the 1970's contained 960 hotel rooms, a 58,000 square foot convention center and several restaurants. The Atlas Specific Plan, processed by Atlas Hotels, Inc., the owner of seven sites within Mission Valley, was approved December 13, 1988, to guide the future development of their properties in the valley. The Town and Country 39.4-acre site was outlined in the Specific Plan to be a phased build out of the site including 2,300 guest rooms, 229,000 square feet of exhibit and meeting space, and parking for 3,680 vehicles. The expansion and renovation would be developed over three separate phases of development, the first of which has been initiated. Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585 was approved September 6, 1989, which specified the phases of development and implemented the Atlas Specific Plan (Attachment 4).

In 2005, the Town and Country Hotel and Resort obtained a Substantial Conformance Review (SCR) for the expansion of approximately 40,700 square feet of exhibit space, and 8,640 square feet of administrative and support space to the existing hotel. During the review of the SCR, Staff required the paving of a dirt parking lot that historically had been used as overflow parking for the hotel. The parking lot was subsequently paved without a permit. During the paving of the lot, dirt was removed and stockpiled adjacent to the bank of the San Diego River, a wetland resource.

The applicant was issued a Notice of Violation by the City's Neighborhood Code Compliance, a Cleanup and Abatement Order was issued by the Regional Water Quality Control Board, and an Enforcement Case was opened by the U.S. Army Corps of Engineers. On March 22, 2007, a Stipulated Judgement was entered into by the applicant and the City, requiring a Site Development Permit either with or without maintaining the newly paved parking lot. During the review of this project, the interim parking lot was reduced to 112 vehicle parking spaces, and the use as a parking lot has been determined to be in Substantial Conformance to the 86-0646 permit (Attachment 5). Remediation has been completed to satisfy most of the violations, however this after the fact Site Development Permit is required to permit the remediation and to complete the project mitigation.

## DISCUSSION

The Town and Country Parking Lot project is the result of illegal grading which occurred on the San Diego River bank during the unpermitted paving of a 119 vehicle parking lot on-site. It is a restoration and enhancement project over an 11.93-acre portion of the larger 39.4-acre hotel and resort site (Attachment 6). The project includes the revegetation/restoration of the previously impacted area and would include a wetland buffer extending from the top of the riverbank to the

historical edge of the wetland. During review of the project, the limits of the paved parking lot were scaled back in certain areas to accommodate the buffer and respect the established drip line of the riparian habitat. The reduction resulted in the 112-vehicle parking spaces that exist today. The wetland buffer ranges in width from 25 feet to 38 feet with an average width of approximately 30 feet. The restoration and enhancement project includes a Covenant of Easement to preserve MHPA lands, and the provision of a Recreational Easement for a future River Path, to abate the code violations (Attachment 7).

The area of this surface parking lot is indicated in the Town and Country Hotel and Resort PCD/CUP No. 88-0585 as a parking structure and additional amenities during the second phase of the overall project. Staff has agreed however, that the historical use and thus interim use as a parking lot may continue.

Conditions of approval in the draft Site Development Permit require implementation of the project features within timeframes and require conformance with the Atlas Specific Plan, while maintaining sensitivity to the June 2012, Draft San Diego River Park Master Plan (Attachment 9).

Because there is no development proposed with this project on the Town and Country site, only restoration and enhancement, the development of the river path is not required at this time. The applicant, however, is required to record an easement with this action so that the path can be implemented in the future. The recreational easement will be approximately ten feet in width for an eventual five-foot wide pedestrian path. The path will span from the existing footbridge that crosses the river to the eastern portion of the site, where it will turn south to connect to a possible future easement across the Union Tribune property.

#### Community Planning Group Recommendation

On April 2, 2008, the Mission Valley Unified Planning Committee voted 14-0-0, to recommend approval of the project, “with the understanding that landscaping will be in accordance with City ordinances and other materials in accordance with the Executive Director of the River Park Foundation’s requirements and a provision be made for a ten foot wide pedestrian way on the south side as approved by the City,” (Attachment 11).

Staff has determined that the permit conditions and final exhibits meet the intent of the planning group’s recommendation of approval. With this restoration and enhancement project we are requiring an easement. Future development of the Town and Country may require the implementation of the path, as described above.

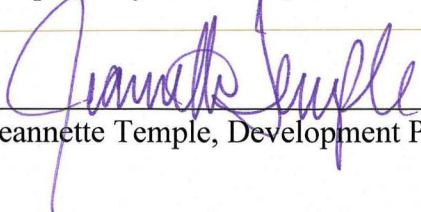
#### CONCLUSION

Staff has reviewed the application for the Site Development Permit and has determined that the proposed project complies with the applicable sections of the Municipal Code, the Atlas Specific Plan and the Mission Valley Community Plan. Staff believes the required findings can be made to support the project as proposed. Therefore, staff recommends that the Hearing Officer approve Site Development Permit No. 400602.

ALTERNATIVES

1. Approve Site Development Permit No. 400602, with modifications.
2. Deny Site Development Permit No. 400602, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Jeannette Temple, Development Project Manager

Attachments:

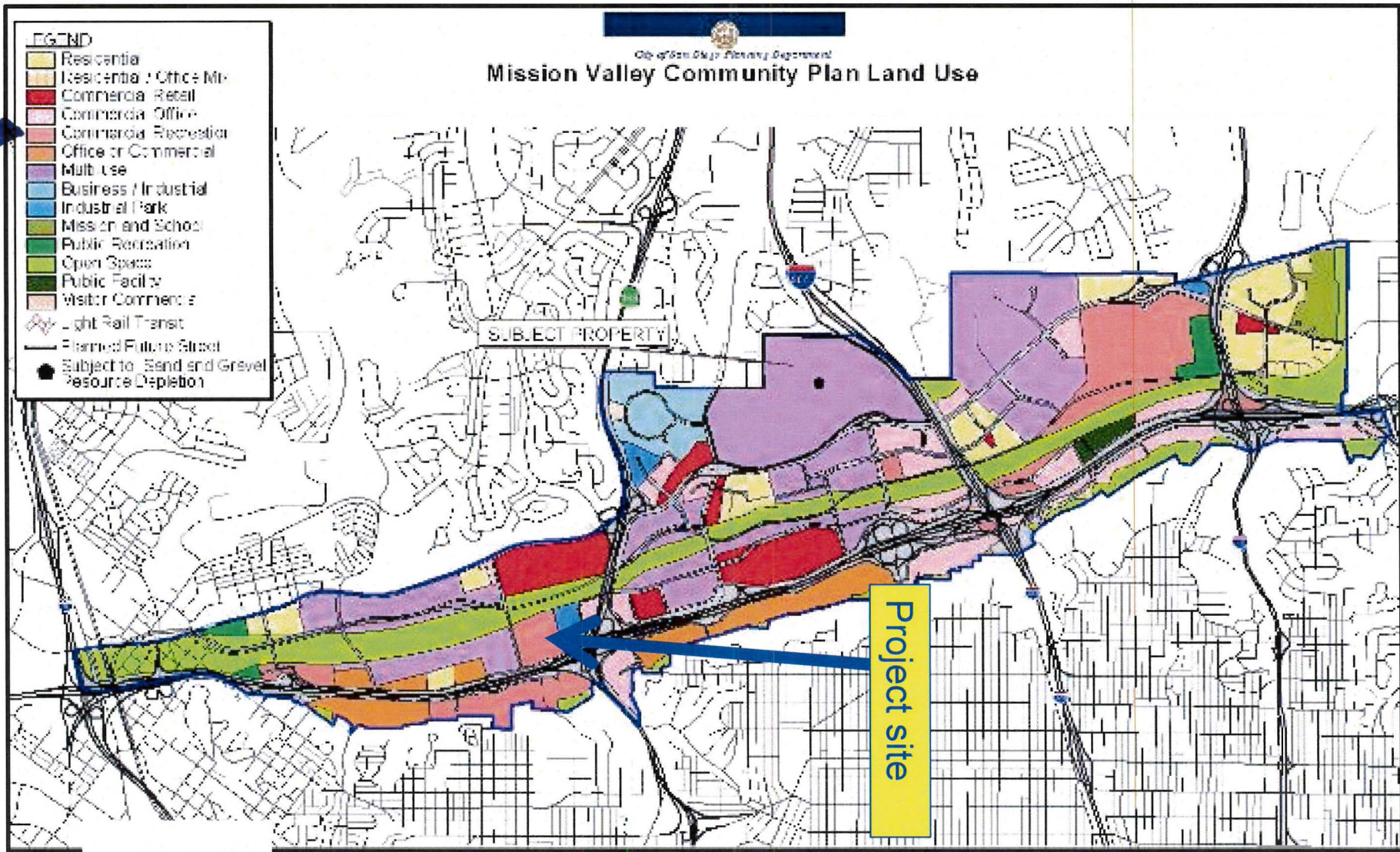
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Prior Approved Permit No. 88-0585
5. SCR dated March 14, 2012
6. Project Data Sheet
7. Site Plans
8. Draft Permit Resolution with Findings
9. Draft Permit with Conditions
10. Draft Environmental Resolution with MMRP
11. Community Planning Group Recommendation
12. Notice of Public Hearing
13. Ownership Disclosure Statement



**Aerial**

**TOWN & COUNTRY PARKING LOT-500 HOTEL CIRCLE NORTH**  
**PROJECT NO. 118318**





## Community Plan Map

TOWN & COUNTRY PARKING LOT  
PROJECT NO. 118318





## Project Location Map

**TOWN & COUNTRY PARKING LOT-500 HOTEL CIRCLE NORTH**  
**PROJECT NO. 118318**



PLANNED COMMERCIAL DEVELOPMENT/  
CONDITIONAL USE PERMIT NO. 88-0585  
PLANNING DIRECTOR

This Planned Commercial Development Permit/Conditional Use Permit is granted by the Planning Director of the City of San Diego to ATLAS HOTELS, INC., a Delaware corporation, Owner/Permittee, pursuant to Sections 101.0510 and 101.0910 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Commercial Development located on the north side of Hotel Circle North between Fashion Valley Road and Camino de la Reina, described as all that portion of Lot 2 of Mission Valley Ball Park, Map No. 3755; portions of Lot 4 of Partition of Pueblo Lot 1105, Referee's Map No. 1029; Lot 1 of Town and Country Hotel, Map No. 6274; and Lots 1 and 2 of Seven Inns Subdivision Map No. 5671, in the CR Zone.

2. The facility shall consist of the following:

a. Phase 1:

- 562 net additional hotel rooms (Tower A, 18 stories, plus basement);
- A total of 1522 guestrooms;
- 74,070 sq. ft. meeting space to remain;
- 100,000-square-foot exhibit hall;
- 40,000-square-foot commissary and back-of-house (in basement level of exhibit hall)
- 39,100-square-foot new meeting/conference center;
- 29,500-square-foot addition to Mission Ballroom;
- A total of 244,000-square-feet of meeting space;
- Central plant (14,700-square-feet);
- Automobile service station (for use of guests and employees only);
- Southeast parking structure (1,099 spaces);
- A total of 2,435 parking spaces.

Phase 2:

- 778 net additional hotel rooms (Tower B, 23 stories, plus basement);
- A total of 2,300 guestrooms;
- Northeast parking structure;
- Northwest parking structure;
- A total of 3,680 parking spaces;
- A total of 229,700-square-feet of meeting space;
- River channel improvements.



## ATTACHMENT 4 -

Phase 3:

Restaurant/lounge;  
2,100 existing guestrooms;  
229,700-square-feet of existing meeting space;  
3,680 existing parking spaces.

- b. Off-street parking;
- c. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 2,435 Phase I, 3,680 Phases II and III off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated September 6, 1989, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for construction of any facility 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 Planning Department;
- b. The Planned Commercial Development/Conditional Use Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 6, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated September 6, 1989, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

## ATTACHMENT 4

8. The effective date of this permit shall be the date of final action following all appeal dates and proceedings. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0910, M, of the Municipal Code. 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 Planning Director.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion;
- c. The permit has been revoked by the City.

The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

11. This Planned Commercial Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

12. This Planned Commercial Development 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.

13. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated September 6, 1989. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

14. This Planned Commercial Development may be developed in phases. All improvements associated with the proposed development of any phase, or part thereof, shall be completed or

funding assured, to the satisfaction of the Planning Director, prior to occupancy.

15. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

16. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

17. Prior to the issuance of any building permits for future specific development in Phase I not previously addressed by this Permit or the "Exhibit A" documents dated September 6, 1989, part of this permit, a development plan package for each specific development proposal shall be submitted to the Planning Director for approval. This development plan package shall include three (3) copies of the following:

- a. A completed Planned Commercial Development Permit Supplemental Application Form for each lot, group of lots, or building(s) proposed for development;
- b. Site plans drawn in accordance with instruction contained in the Planned Commercial Development Permit Supplemental Application Form. Site plans shall indicate the locations of all proposed signage.
- c. Grading plans.
- d. Floor plans which depict the general use of the building(s).
- e. Irrigation plans.
- f. Landscaping plans detailing the location, species, and size of all planting materials.
- g. Elevation drawings depicting building height and design; elevation drawings shall also depict architectural treatments including materials, colors, and textures and proposed landscaping which will be located adjacent to, and integrated with, proposed architecture. Elevation drawings shall also include signage proposed for any building facades.
- h. Materials boards which include samples of all proposed exterior building materials and colors.

- i. Plans for lot or area signage including information to be displayed on sign(s), sign locations and sizes, lettering style, building materials and colors, method of illumination, and any special landscaping treatment which is intended to be integrated with overall sign design.
- j. Location, material, color, and texture of any special paving materials used on-site.
- k. Proposed design, construction materials, colors, and textures of fences and/or walls.
- l. Location, height, and design of light fixtures.
- m. Locations and architectural design of any parking structures proposed on-site.
- n. Roof plans indicating all roof mounted mechanical equipment, and proposed screening of that equipment.
- o. Location of bicycle racks, benches, and any other proposed street furniture.
- p. Any other information determined by the Planning Director to be necessary to establish conformance with the intent of this master PCD Permit.

18. Each development plan package for Phase I shall become a part of Exhibit A," dated September 6, 1989 on file in the office of the Planning Department. The proposed use, the individual and cumulative total floor area and the individual and cumulative total quantity of parking spaces for the specific site development and the entire master development shall be monitored in a manner approved by the Planning Director, to ensure that the intent and the conditions of this Planned Commercial Development/Conditional Use Permit are met.

19. If the Planning Director, or his representative determines that a specific proposal, as submitted in the development plan package for Phase I, is not in substantial conformance with the intent or conditions of this permit then the applicant/developer will be required to submit an application for an Amendment to this Planned Commercial Development/Conditional Use Permit for Planning Department review and approval.

20. The applicant/developer shall be required to submit applications for, and obtain an Amendment to this Planned Commercial Development Permit for any proposed Phase 2 or Phase 3 development described by this Permit.

## ATTACHMENT 4 -

21. A reporting and monitoring program for mitigation of noise impacts as specified below is a condition of approval. The following measure mitigates potentially significant interior noise impacts based on future and existing traffic volumes on Interstate 8, 274,000 ADT (2010) and 194,000 ADT, respectively:

- a. Perimeter construction for the south, east and west facades of the Phase 1 guest room tower shall include fixed 1/4" tempered glazing in the 1.0 Module Parlors and 3/8" tempered glass in the 1.5 Module and 2.0 Module Parlors.
- b. Interior/exterior air exchange and/or air conditioning shall be installed in those guest rooms with fixed windows.

A site inspection is required to confirm implementation of the specific measures. A letter, reporting the results of the site inspection, and confirming construction of the above measures, to the Deputy Director of the Development and Environmental Planning Division (DEP) is required prior to the issuance of the Certificate of Occupancy.

22. Prior to issuance of building permits, the Deputy Director of DEP shall review and approve final construction plans to assure that no development or improvements occur within the floodway.

23. Prior to issuance of building permits, the Deputy Director of DEP and the Deputy Director of Transportation Planning shall review and approve transportation improvements to assure compliance with the Atlas Specific Plan, and this Permit.

24. Prior to issuance of building permits, the applicant shall provide evidence to the Deputy Director of DEP that a program meeting the satisfaction of the County Hazardous Materials Management Division is in process to remedy on-site hydrocarbon contamination.

25. Funding for the equivalent at-grade LRT facility and at-grade LRT station adjacent to the Town and Country Hotel site, and flood control improvements as described in the Atlas Specific Plan river improvement element including the pedestrian/bicycle bridge across the San Diego River shall be assured by bonding prior to the issuance of building permits for any development on the Town and Country Hotel site.

26. The applicant may obtain separate grading and public improvement permits for this development, in a manner satisfactory to the City Engineer. Grading permits may be obtained prior to the final approval of public improvements by the City Engineer.

27. Prior to the issuance of any building permits for Phase 1, the applicant shall assure, by bond and improvement agreements, the following transportation improvements, in a manner satisfactory to the City Engineer. The public improvement plans shall be approved by the City Engineer and a permit issued prior to the issuance of any building permits necessary. Note: If adequate right-of-way cannot be acquired prior to permit issuance, then the applicant shall transmit the funds necessary for the right-of-way condemnation and agree by Letter of Credit to construct the improvements within two years of immediate possession of the right-of-way.

- a. Widen Hotel Circle South to a modified right-of-way, as shown on Exhibit "A," to provide additional travel lanes and Class II bike lanes between the westerly limits of the Atlas ownership approximately 500 feet west of the intersection of the eastbound Hotel Circle ramps and existing Camino de la Reina. Dedicate/reserve and improve for the ultimate configuration of Hotel Circle South within the Mission Valley Inn property.
- b. Widen existing Hotel Circle North to four travel lanes between the westbound Interstate 8 Hotel Circle ramps to existing Camino de la Reina, as shown on Exhibit "A." Provide left turn channelization between Camino de la Reina and Fashion Valley Road. Reconstruct Hotel Circle North Camino de la Reina intersection to improve geometrics and provide a signalized access to Town and Country Hotel Development. Dedicate right-of-way for ultimate Hotel Circle North within Town and Country property.

28. Prior to the issuance of any building permits for Phase 1, the applicant shall design and bond for 40 percent of the improvements required to widen Fashion Valley Road to a four-lane major street with Class II bike lanes within a modified right-of-way, as shown on Exhibit "A," between Friars Road and south of the river crossing, providing a transition to Hotel Circle North, in a manner satisfactory to the City Engineer. (The ultimate improvements south of the river will be constructed with the Hotel Circle North/Fashion Valley Road interchange ramps.) This will include improving the river crossing to accommodate a flood-free travel-way for a ten-year-design storm.

The actual construction of this improvement will be required of the applicant and triggered by any of the following:

- a. Phase 2, Town and Country Hotel and Convention Center.
- b. The construction of the river channel improvements.
- c. The construction of the Hotel Circle North/Fashion Valley Road interchange ramps.

29. Prior to the issuance of any building permits for Phase I, the applicant shall assure, in a manner satisfactory to the City Engineer, the following transportation improvements:

- a. Increase the capacity of the westbound Interstate 8 on-ramp/Hotel Circle North by widening and/or signalization, as required by CalTrans.
- b. Restripe Hotel Circle South to three lanes by prohibiting parking from the I-8/Presidio over-crossing to Camino de la Reina. This is an interim improvement that is to be completed prior to the widening.
- c. The applicant shall improve the operation at the intersection of eastbound I-8 ramp/Hotel Circle South, satisfactory to CalTrans and the City, and phase the construction in a manner satisfactory to the City Engineer. A traffic signal is not required by Atlas with Phase I of the Town and Country site.
- d. Dedicate right-of-way for the proposed extension of Camino de la Reina within the Atlas ownership.

30. The applicant may request a Cost Recovery District be established for the reimbursement of improvement costs in excess of the applicant's responsibility, in accordance with Table 15 of the Atlas specific Plan, as determined by the City Engineer.

31. Prior to the issuance of any building permits for Phase I, the applicant shall provide a bond for 25 percent of the new Fashion Valley Road interchange, in accordance with the Atlas Specific Plan, in a manner satisfactory to the City Engineer.

32. Prior to the issuance of any building permits for Phase 2, the following improvement shall be evaluated. If the cumulative EDU threshold has been reached, the improvements shall be assured prior to the issuance of building permits, in a manner satisfactory to the City Engineer.

Add dual left-turn lanes for eastbound Friars Road at the northbound SR-163 on-ramp, and widen the on-ramp to accept the dual turning lanes. This may involve additional work, satisfactory to CalTrans. The construction of this improvement is needed when 500 EDU's are reached in the Mission Valley Community Plan, Sectors 1 through 4.

33. Prior to the issuance of any building permits, the applicant shall satisfy the following water and sewer requirements, satisfactory to the Water Utilities Director. The studies shall be provided with Phase I, and the installation of the public improvements shall be assured with the applicable phase, as determined by the Water Utilities Director.

- a. Install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.
- b. Install the water mains, as required by the Water Utilities Director.
- c. Provide a sewer study.
- d. Install all facilities required by the approved study.
- e. The developer shall install certain improvements for which the City will reimburse the developer for actual costs of design and construction, in accordance with City regulations and practices pertaining thereto.

34. A portion of this project has been identified as being within a floodway and floodplain fringe area. In connection with the issuance of any building permits, the applicant shall comply with the following Floodplain Conditions, in a manner satisfactory to the City Engineer:

- a. A hydraulic study which shows the effect of bridge construction at Fashion Valley Road and river channel improvements east of Fashion Valley Road to be constructed with this project must be approved by the City Engineer concurrent with the river channel improvements. The design shall be based on:  
 $Q = 49,000$  CFS.
- b. No grading or building construction will be allowed in the existing floodway until the bridge construction and river channel improvements are completed or are under construction.
- c. Proposed work located outside of the existing floodway will be allowed prior to the construction of channel improvements, provided that the normal criteria for development in floodplains are met. This means that living/public areas must be elevated two feet above the 100-year storm elevation. The minimum finish floor elevation for new construction will be 38.5 feet MSL, with the following exceptions:
  - (1) Equipment rooms, basements, and storage areas may be built at lower elevations, provided that they are floodproofed.
  - (2) The Central Plant need not be elevated but must be floodproofed.
  - (3) Parking structures used solely for parking need not be elevated or floodproofed. The Exhibit/Parking Hall must be elevated to 34.0 feet MSL and floodproofed to elevation 38.5 feet MSL.



- (4) Under present FEMA rules for expansion of existing structures, the proposed expansion of the Mission Ballroom will be allowed at a finish floor elevation of 32.5 feet MSL. However, no work will be allowed north of the existing Mission Ballroom until bridge construction and river channel improvements are complete.
- d. If channel modifications east of Fashion Valley Road and bridge construction at Fashion Valley Road are underway or have been completed, then buildings may be constructed in the floodplain with finish floor elevations which are two feet above the 100-year water surface elevations which will result after these channel improvements are completed.
  - e. Provide slope protection, as required by the City Engineer, where the velocity exceeds 5 FPS with the river channel improvements.
  - f. 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.
  - g. The applicant shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway with the river channel improvements.
  - h. The applicant shall enter in to an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities with the river channel improvements.
  - i. The applicant shall denote on the grading and the improvement plans as "Subject to Inundation" those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.

35. Prior to the issuance of any building permits, the applicant shall assure the flood control improvements, as described in the river improvement element, including the pedestrian/bicycle bridge across the San Diego River, by bonding for these improvements, in a manner satisfactory to the City Engineer. Bonding may be based upon preliminary design acceptable to the City Engineer. If this improvement has not been funded on or before June 30, 1995, said funding shall then be assured by letter of credit or, in the alternative, by the formation of a special Assessment District with Atlas as the sole participant. As provided in the Specific Plan, Atlas may seek to establish one or more Assessment Districts for purpose of financing the construction of the river improvements, and the City shall assist Atlas in establishing such Assessment Districts.

ATTACHMENT 4 -  
ATTACHMENT 4 -

In accordance with the river improvement element, the applicant shall provide a 30-foot-wide (average) buffer between the wetland areas as negative open space or as determined by the Park and Recreation Department. The applicant shall grant appropriate easements and construct a ten-foot-wide pedestrian/bicycle path adjacent to the river within the buffer, and a 15-foot-wide pedestrian/bicycle bridge across the river, in a manner satisfactory to the City Engineer. The pedestrian/bike path is to extend off-site easterly to match FSDRIP improvements.

36. Prior to the issuance of any building permits, the applicant shall agree not to oppose the formation of any special Assessment District formed for the purpose of providing funds for the construction of an LRT system in Mission Valley, provided that assessments for right-of-way acquisition and construction payable by Atlas thereunder, when added to the sums already provided by Atlas for the LRT system, do not exceed the cost of construction of an at-grade LRT station and at-grade facility the length of the Town and Country property.

The applicant shall assure, by bonding, the entire cost of the construction of the at-grade LRT facility and the at-grade LRT station adjacent to the Town and Country site. If this improvement has not been funded on or before June 30, 1995, said funding shall then be assured by Letter of Credit or, in the alternative, by the formation of a special Assessment District, with Atlas as the sole participant.

37. Special financing plans have been established to finance the public facilities required for the Community Plan area. Therefore the applicant shall comply with the provisions of the financing plan then in effect for this community plan area. This compliance shall be achieved by entering into an agreement for the payment of the future assessments, paying the development impact fees, or such other means as may have been established by the City Council.

38. 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.

APPROVED by the Planning Director of the City of San Diego on September 6, 1989.

**PETERSON & PRICE**

A PROFESSIONAL CORPORATION

LAWYERS

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PAUL A. PETERSON  
Retired

SOL PRICE  
1916 - 2009

March 14, 2012

File No. 7028.002

Jeannette Temple  
Development Services Department  
City of San Diego  
1222 First Av, MS-501  
San Diego, CA 92101

**SUBSTANTIAL  
CONFORMITY  
REVIEW** to 88-0585

Re: Process 1 Substantial Conformance Review Interim Parking Lot  
PCD/CUP 88-0585

Dear Jeannette:

I represent Town and Country Hotel, LLC. I hereby request that Staff determine, via Process 1, that the use of the parking area as an Interim Parking lot with accessory structures, and uses is in Substantial Conformance with PCD No. 88-0585 based upon the following:

- i. There is no significant change in land use (permitted uses) from that which was approved. The interim parking lot has been determined to in Substantial Conformity to the original PCD permit.
- ii. There is no increase in density for the proposed project.
- iii. There is no increase in the overall traffic generation for the site as a result of paving the existing dirt lot.
- iv. There is no increase in floor area ratio or coverage. The parking lot is consistent with the approved PCD permit and Specific Plan in an area that will ultimately be developed. The interim use does not conflict with the approved exhibits associated with the PCD and the Atlas Specific Plan.
- v. Because this is an interim parking lot, there was no site design change associated with the Substantial Conformance review and there was no alteration

Jeannette Temple  
March 14, 2012  
Page 2 of 2

or other adverse effect on the approved Specific Plan and/or ability to implement the approved PCD.

- vi. As a result of the paving of the existing dirt parking lot, there was no change to the approved project's required parking or traffic circulation and no modification to the overall architecture associated with the existing or proposed Hotel expansion as authorized by PCD/CUP 88-0585.
- vii. The Community Planning Group has already reviewed and recommended approval of the interim parking lot.

Sincerely,

PETERSON & PRICE  
A Professional Corporation



Matthew A. Peterson

cc: Dave Homa

**SUBSTANTIAL  
CONFORMITY  
REVIEW** to 88-0585



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Town & Country Parking Lot	
<b>PROJECT DESCRIPTION:</b>	Restoration/Enhancement project to abate code violation after grading and paving interim parking lot	
<b>COMMUNITY PLAN AREA:</b>	Mission Valley/Atlas Specific Plan	
<b>DISCRETIONARY ACTIONS:</b>	Site Development Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial Recreational/Open Space	
<b><u>ZONING INFORMATION:</u></b> <b>ZONE:</b> MV-M-SP (multi-use/specific plan) and OF-1-1 <b>HEIGHT LIMIT:</b> None <b>LOT SIZE:</b> 40,000 square-foot minimum lot size. (Complies) <b>COVERAGE:</b> 0.50 maximum. <b>FRONT SETBACK:</b> 20 feet. <b>SIDE SETBACK:</b> 10 feet. <b>REAR SETBACK:</b> 8 feet. <b>PARKING:</b> no parking required. (112 interim spaces proposed)		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Open Space; OF-1-1.	Open Space/Recreational
<b>SOUTH:</b>	Commercial Recreational MV-M-SP	Motels/Mixed use
<b>EAST:</b>	Industrial Park/MVPD-MV-1	Manufacturing plant
<b>WEST:</b>	Commercial Recreational MV-M-SP	Golf Course
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On April 2, 2008, the Mission Valley Unified Planning Committee voted 14-0-0, to recommend approval of the project.	

# SITE PLAN FOR: TOWN AND COUNTRY HOTEL AND RESORT INTERIM PARKING LOT



**LEGAL DESCRIPTION**  
PORTIONS OF LOT 2 AND 4 MAP 3755, PORTIONS OF LOT 4 MAP 1029, PORTIONS OF LOT 1105, MAP 1029.

**PROJECT DESCRIPTION/SCOPE OF WORK**  
WORK TO BE COMPLETED IN RESPONSE TO THE NOTICE OF VIOLATION DATED DECEMBER 12, 2005.  
REQUESTING AFTER THE FACT APPROVAL OF 112-SPACE PARKING LOT. SITE DEVELOPMENT PERMIT FOR ENVIRONMENTALLY SENSITIVE LANDS.

- WORK TO INCLUDE:**
- INSTALLATION OF RAISED PLANTERS
  - PAINT STRIPING
  - DIRECTIONAL SIGNAGE
  - LIGHTING
  - TREES
  - LANDSCAPE
  - IRRIGATION
  - STRUCTURAL B.M.P.'S
- ADDITIONAL USES:**
- DUMPSTERS PADS AND RAMP
  - TRASH AND RECYCLING COMPACTORS
  - METAL STORAGE CONTAINERS
  - PARKING OF VEHICLES (SUPPLEMENTAL)

THE LIMITS OF THE ASPHALT PAVEMENT HAVE BEEN MODIFIED TO PROVIDE A BUFFER BETWEEN THE ULTIMATE LIMITS OF PAVING AND THE SAN DIEGO RIVER OF NO LESS THAN 25' (TWENTY FIVE FEET). THE DRIP LINE OF EXISTING TREES ALONG THE RIVER HAS BEEN RESPECTED BY REMOVING PAVING IN SUCH AREAS.

**EASEMENTS (SEE SHEET 2)**

- EASEMENT TO CONSTRUCT, RECONSTRUCT, MAINTAIN, USE, OPERATE AND/OR REMOVE RAILROAD AND RAILROAD RELATED EQUIPMENT AND FACILITIES TO METROPOLITAN TRANSIT DEVELOPMENT BOARD REC. 12-15-1995 AS FILE NO. 1995-0573957 D.R.
- EASEMENT FOR PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT-OF-WAY TO THE CITY OF SAN DIEGO REC. 11-27-1998 AS FILE NO. 1998-0601693 D.R.

**LEGEND**

DESCRIPTION	SYMBOL
SUBDIVISION BOUNDARY	--- (dashed line)
CURB	— (solid line)
STRIPING (WHITE)	— (dashed line)
DIRECTION OF TRAFFIC	→ (arrow)
EXISTING CURB	— (dashed line)
EXISTING TREE	⊙ (circle with dot)
EXISTING LIGHT	⊙ (circle with cross)
DIRECTION OF DRAINAGE	→ (arrow with tail)
TREE DRIP LINE LIMITS	⊘ (circle with X)
PARCEL LINE	⊞ (cross-hatched)

**OWNER**  
TOWN AND COUNTRY HOTEL, L.L.C.  
500 HOTEL CIRCLE NORTH  
SAN DIEGO, CALIFORNIA 92108

**SITE ADDRESS**  
500 HOTEL CIRCLE NORTH  
SAN DIEGO, CALIFORNIA 92108

**A.P.N.**  
437-260-44 THROUGH 49

**ZONING**  
MISSION VALLEY PLANNED DISTRICT MPDD-SP

**CONDITIONAL USE PERMIT**  
C.U.P. NO. 88-0585

**EXISTING USES**  
OVERFLOW PARKING AND STORAGE

**PROPOSED USES**  
OVERFLOW PARKING AND STORAGE

**BUS STOPS**  
NONE

**FIRM PANEL**  
060295-1618F  
BASE FLOOD ELEVATIONS PER LETTER OF MAP REVISION EFFECTIVE NOVEMBER 22, 2002. (CASE NO. 02-09-1472X)

**PARKING SUMMARY**

TYPE	SPACES
15'(L) x 8.5'(W) WITH 3' OVERHANG	35
18'(L) x 8.5'(W)	65
PARALLEL 24.5'(L) MIN. x 8.5'(W)	12
<b>TOTAL</b>	<b>112</b>

**SITE AREAS**  
PROJECT AREA: 1.7 ACRES (INCLUDES BUFFER ZONE)

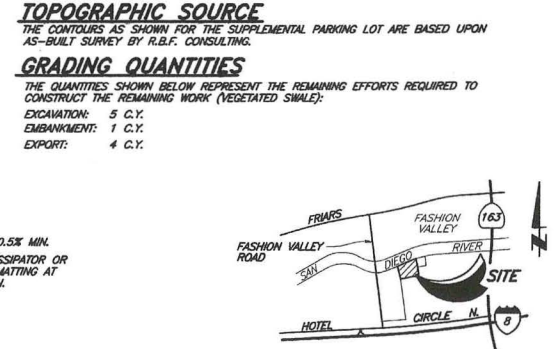
**RIVER SETBACK INFORMATION \***  
BUFFER RANGES FROM 25' TO 38'  
BUFFER AVERAGE IS 30'

**ENVIRONMENTALLY SENSITIVE LANDS**  
FOR LIMITS AND CONDITIONS OF ENVIRONMENTALLY SENSITIVE LANDS SEE BIOLOGICAL TECHNICAL REPORT BY REGION CONSULTANTS DATED MAY 6, 2006, REVISED OCTOBER 2010.

**BENCHMARK**  
CITY OF SAN DIEGO BENCHMARK LOCATED AT FRANKS ROAD AND FASHION VALLEY ROAD.  
DESCRIPTION: SEBP. ELEV. 61.802' MSL, NGVD 1929

**TOPOGRAPHIC SOURCE**  
THE CONTOURS AS SHOWN FOR THE SUPPLEMENTAL PARKING LOT ARE BASED UPON AS-BUILT SURVEY BY R.B.F. CONSULTING.

**GRADING QUANTITIES**  
THE QUANTITIES SHOWN BELOW REPRESENT THE REMAINING EFFORTS REQUIRED TO CONSTRUCT THE REMAINING WORK (VEGETATED SWALE):  
EXCAVATION: 5 C.Y.  
EMBANKMENT: 1 C.Y.  
EXPORT: 4 C.Y.



**PROJECT NUMBER: 118318**  
Prepared By: SB&O INC.

Address: 3900 RUFFIN ROAD, SUITE 120  
SAN DIEGO, CALIFORNIA 92123  
Phone: (619) 560-1141

Project Address: 500 HOTEL CIRCLE NORTH  
SAN DIEGO, CALIFORNIA 92108

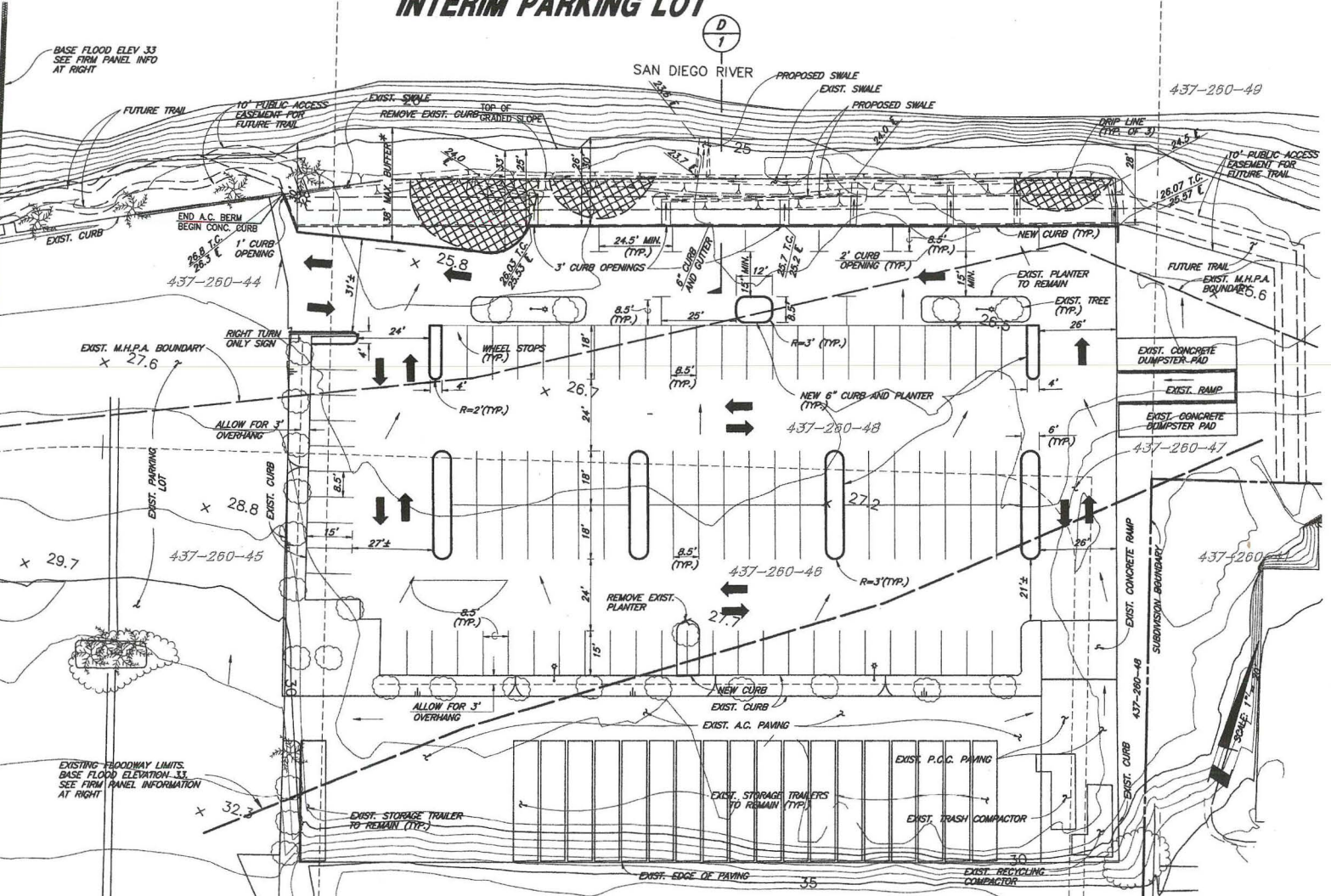
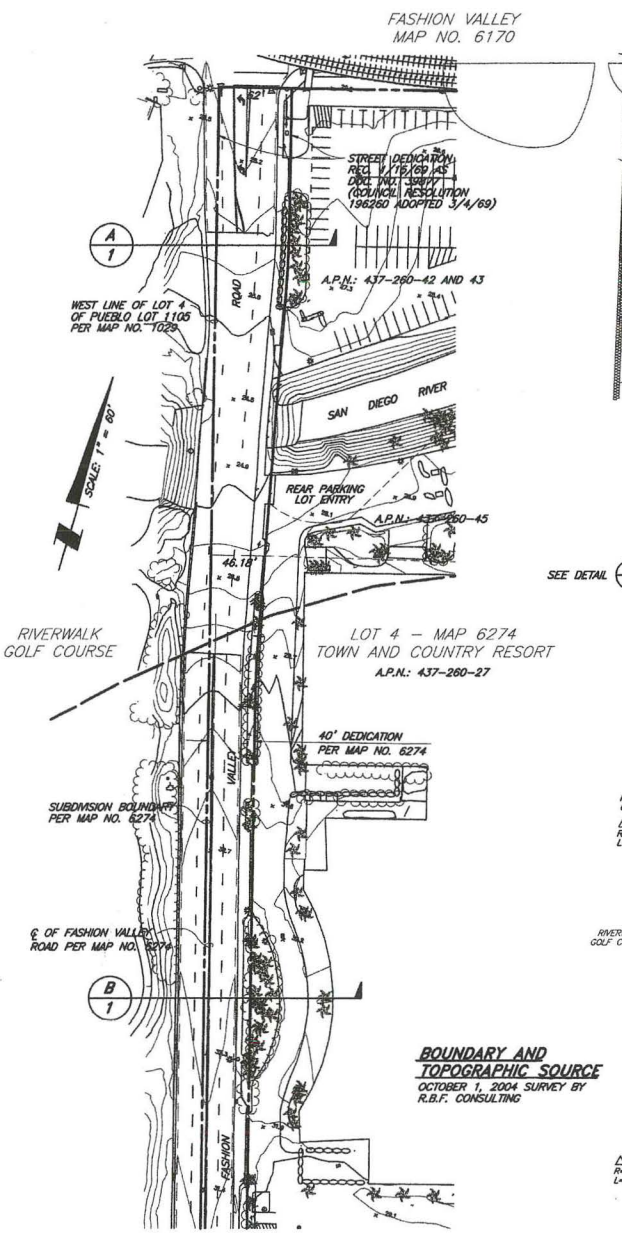
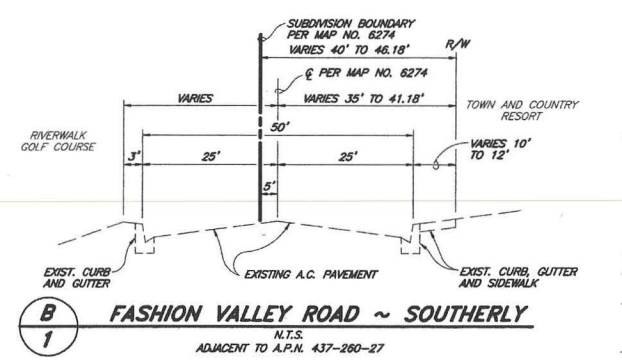
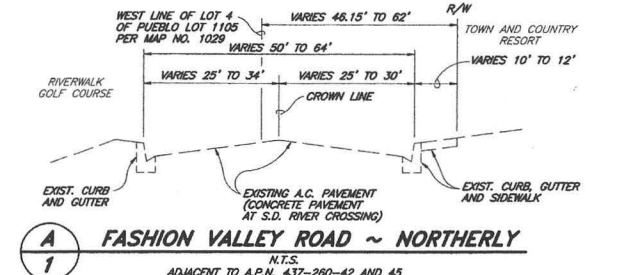
Project Name: TOWN AND COUNTRY INTERIM PARKING LOT

Sheet Title: SITE PLAN FOR INTERIM PARKING LOT  
M.C. NO. 42-7190

Date: 1/28/13

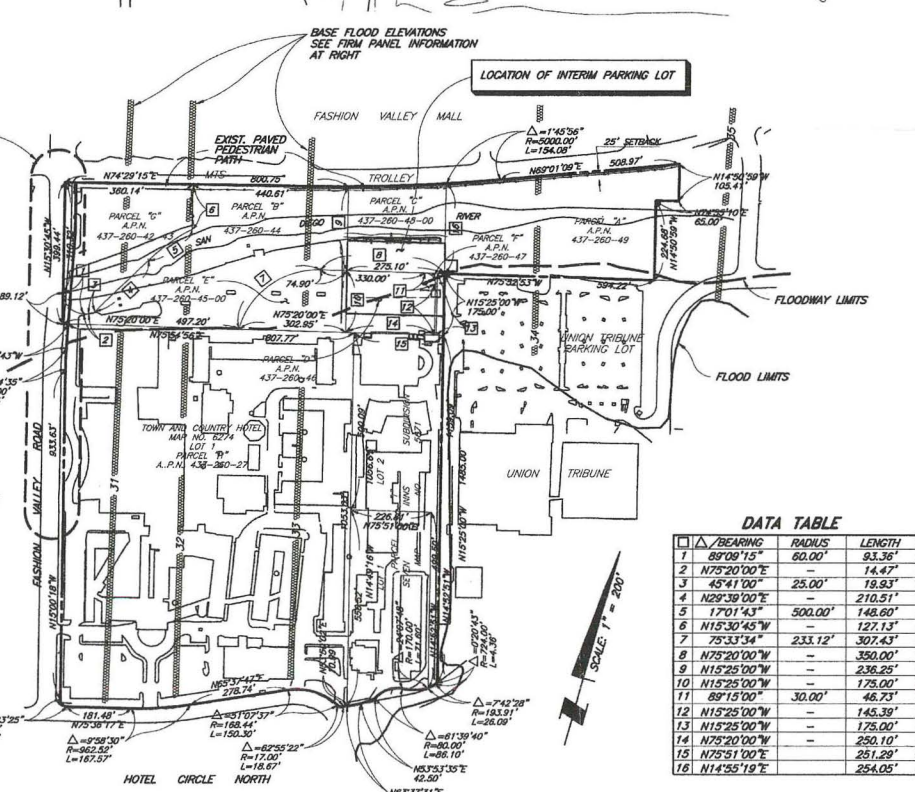
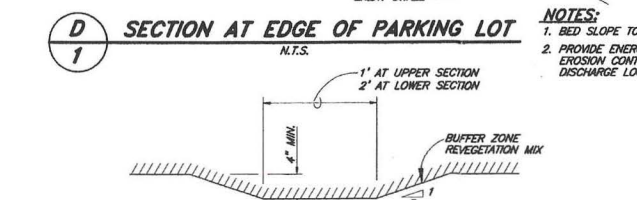
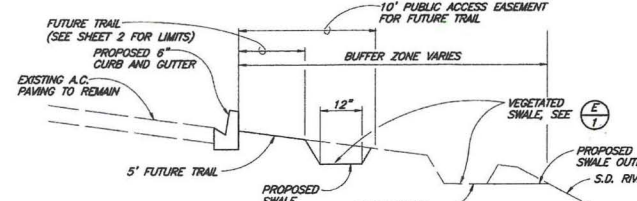
Revision	Date
Revision 14	11-28-06
Revision 13	
Revision 12	
Revision 11	
Revision 10	
Revision 9	
Revision 8	1-28-13
Revision 7	6-14-12
Revision 6	10-18-10
Revision 5	6-10-10
Revision 4	5-10-10
Revision 3	11-11-09
Revision 2	3-3-09
Revision 1	4-24-08

Original Date: 11-28-06  
Sheet: 1 of 2  
DEP #



**PERMIT NOTES**

- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PROPERTY OWNER SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT B.M.P. MAINTENANCE.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS. (FROM CYCLE 4).
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (W.P.C.P.). THE W.P.C.P. SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.
- THE DRAINAGE SYSTEM PROPOSED FOR THIS DEVELOPMENT IS PRIVATE AND SUBJECT TO APPROVAL BY THE CITY ENGINEER.
- THE DEVELOPER SHALL DENOTE ON THE FINAL MAP AND THE IMPROVEMENT PLANS "SUBJECT TO INUNDATION" ALL AREAS LOWER THAN THE BASE FLOOD ELEVATION PLUS 2 FEET.



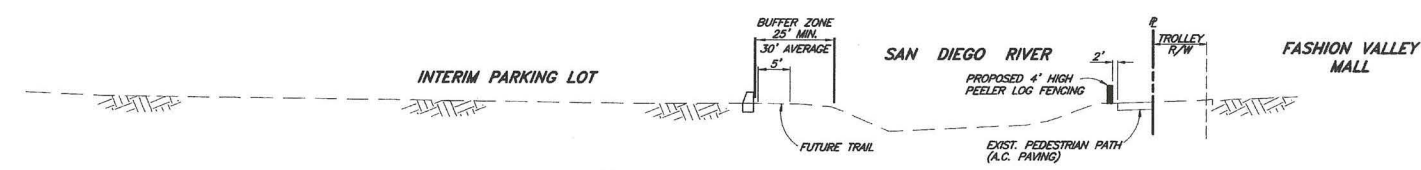
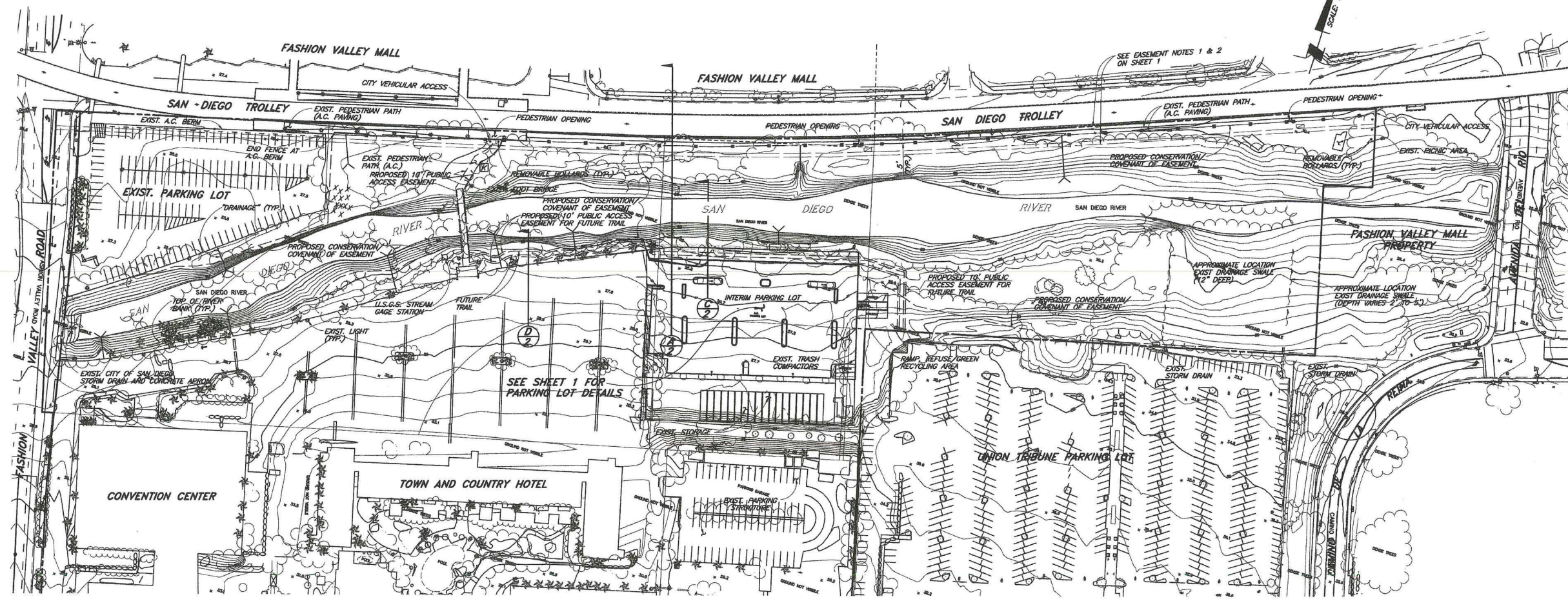
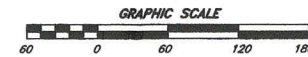
**DATA TABLE**

NO.	Δ / BEARING	RADIUS	LENGTH
1	89°09'15"	60.00'	83.36'
2	N75°20'00"E	—	14.47'
3	45°41'00"	25.00'	19.93'
4	N29°39'00"E	—	210.51'
5	17°01'43"	500.00'	148.60'
6	N15°30'45"W	—	127.13'
7	75°33'34"	233.12'	307.43'
8	N75°20'00"W	—	350.00'
9	N15°25'00"W	—	236.28'
10	N15°25'00"W	—	178.00'
11	89°15'00"	30.00'	46.73'
12	N15°25'00"W	—	148.39'
13	N15°25'00"W	—	178.00'
14	N75°20'00"W	—	250.10'
15	N75°51'00"E	—	251.28'
16	N14°55'19"E	—	254.05'

**SB&O INC.**  
PLANNING ENGINEERING SURVEYING  
3960 Ruffin Road, Suite 120  
San Diego, Ca. 92123  
619.560.1141  
619.560.8157 Fax

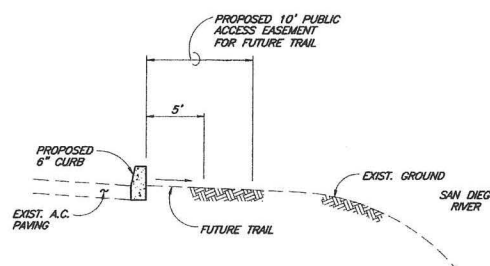
Allen L. Bulcher  
1/28/13  
DATE

# TOWN AND COUNTRY HOTEL AND RESORT

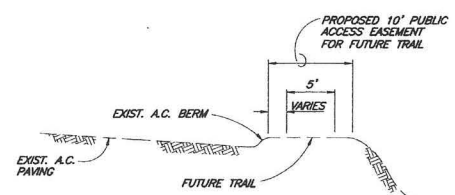


**A** SECTION AT SD RIVER  
NOT TO SCALE

PROPOSED CONSERVATION EASEMENT AREA = 6.7 ACRES.



**C** DETAIL ~ FUTURE TRAIL NEXT TO INTERIM PARKING LOT  
NOT TO SCALE



**D** DETAIL ~ FUTURE TRAIL NEXT TO EXISTING PARKING LOT  
NOT TO SCALE

### LEGEND

- PROPERTY BOUNDARY
- PROPOSED CONSERVATION EASEMENT
- FUTURE KIOSK (BY OTHERS)
- PROPOSED "PEELER LOG" FENCING (4.0' HIGH)
- CONCRETE DEBRIS TO BE REMOVED
- "NATURAL" PATH
- DRAINAGE
- REMOVABLE BOLLARDS

**NOTE**  
SEE CONCEPT LANDSCAPE PLANS BY AHLES AND ASSOCIATES FOR ADDITIONAL DETAILS.

PROJECT NUMBER: 118318  
Prepared By:

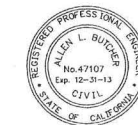
Name: SB&O INC.  
Address: 3880 RUFFIN ROAD, SUITE 120  
SAN DIEGO, CALIFORNIA 92123  
Phone #: (619) 560-1141  
Project Address:  
500 HOTEL CIRCLE NORTH  
SAN DIEGO, CALIFORNIA 92108

Project Name:  
TOWN AND COUNTRY INTERIM PARKING LOT

Sheet Title:  
SITE PLAN FOR INTERIM PARKING LOT  
W.O. NO. 42-7190

Revision 14:	
Revision 13:	
Revision 12:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	1-28-13
Revision 6:	6-14-12
Revision 5:	10-18-10
Revision 4:	6-10-10
Revision 3:	5-10-10
Revision 2:	11-11-09
Revision 1:	10-20-09

Original Date: 3-5-09  
Sheet 2 of 2  
DEP #

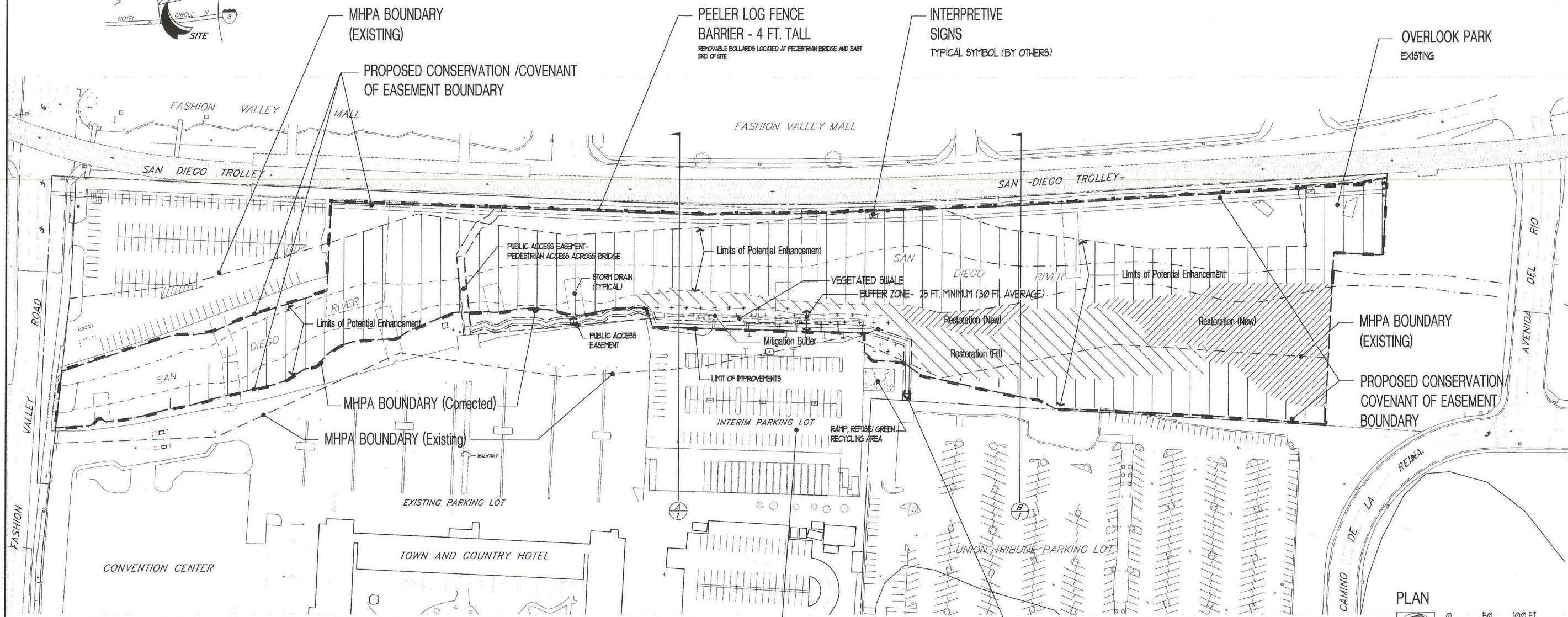
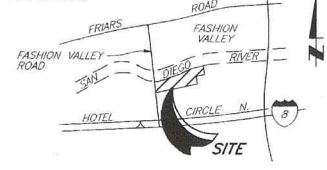


**SB&O** INC.  
PLANNING ENGINEERING SURVEYING  
3880 RUFFIN ROAD, SUITE 120  
SAN DIEGO, CA 92123  
619-560-1141  
619-560-6157 FAX

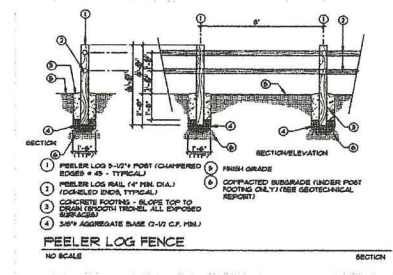
Allen L. Butcher  
DATE: 1/28/13

64582.63

VICINITY MAP  
 NOT TO SCALE



TYPICAL SITE DETAILS



NOTES  
 THE FERTILIZER OR SUBSEQUENT OWNER SHALL ENSURE THAT ALL PROPOSED LANDSCAPING FOR REVEGETATION AND RESTORATION, ESPECIALLY LANDSCAPING WITHIN THE SAN DIEGO RIVER WETLAND BUFFER SHALL NOT INCLUDE EXOTIC PLANT SPECIES THAT MAY BE INVASIVE TO NATIVE HABITATS. PLANT SPECIES FOUND WITHIN THE CALIFORNIA INVASIVE PLANT COUNCIL'S (CAL-IPC) INVASIVE PLANT INVENTORY AND THE PROHIBITED PLANT SPECIES LIST FOUND IN TABLE 1 OF THE LANDSCAPE STANDARDS SHALL NOT BE PERMITTED. ENHANCEMENT SHALL COMPLY WITH STANDARDS AS CONTAINED WITHIN CONCEPTUAL MITIGATION PLAN.

AHLES  
 LANDSCAPE  
 ARCHITECTURE INC.  
 P.O. Box 1503  
 Rancho Santa Fe, California 92067  
 858.756.8963

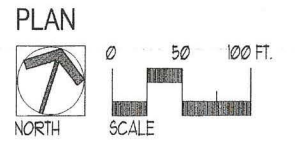
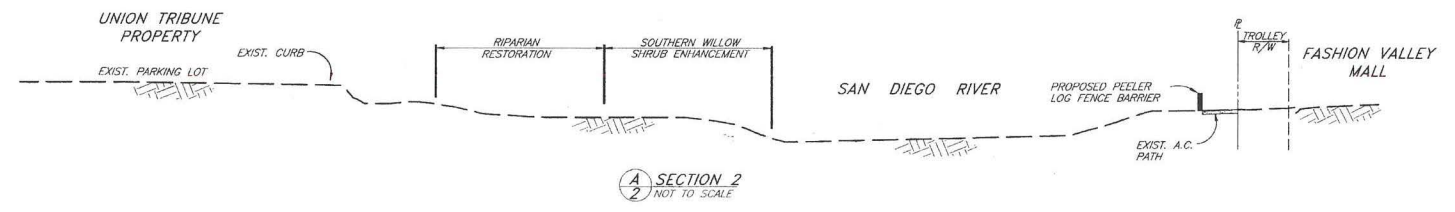
BUFFER AREA PLANT MATERIAL

SPECIES LISTED PER CONCEPTUAL MITIGATION PLAN BY REGION, TABLE 2

BOTANICAL NAME	COMMON NAME	SIZE	DENSITY (PLANTS / ACRE)
ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	1 GALLON	300
SALVIA MELLIIFERA	BLACK SAGE	1 GALLON	200
MIMULUS AURANTIACUS	BUSH MONKEYFLOWER	1 GALLON	200
ENCELIA CALIFORNICA	CALIFORNIA ENCELIA	1 GALLON	250
ARTEMISIA CALIFORNICA	CALIFORNIA SAGEBRUSH	1 GALLON	500
MULLENBERGIA RIGENS	DEER GRASS	1 GALLON	200
NASSELLA PULCHRA	PURPLE NEEDLE GRASS	1 GALLON	400
SISYRINCHUM BELLUM	BLUE-EYED GRASS	4 - INCH	300
LEYMUS TRITICOIDES	BEARDLESS WILD RYE	PLUGS	150
TOTAL			2500

AREA NOTE

RESTORATION MITIGATION - 0.64 ACRES  
 ENHANCEMENT MITIGATION - 128 ACRES



PREPARED BY: AHLES LANDSCAPE ARCHITECTURE  
 NAME: PO BOX 1503 RANCHO SANTA FE, CA 92061  
 ADDRESS: PO BOX 1503 RANCHO SANTA FE, CA 92061  
 PHONE #: 858.756.8963  
 PROJECT ADDRESS: HOTEL CIRCLE NORTH  
 PROJECT NAME: TOWN AND COUNTRY INTERIM PARKING LOT

SHEET TITLE:  
 Concept Enhancement and Restoration Plan

REVISION 14:	
REVISION 13:	
REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	23 JAN 13
REVISION 6:	14 JUN 12
REVISION 5:	18 OCT 10
REVISION 4:	
REVISION 3:	10 MAY 10
REVISION 2:	11 NOV 9
REVISION 1:	9 MAR 9

ORIGINAL DATE: 7 JAN 11  
 SHEET \_\_\_\_ OF \_\_\_\_  
 DEF: \_\_\_\_



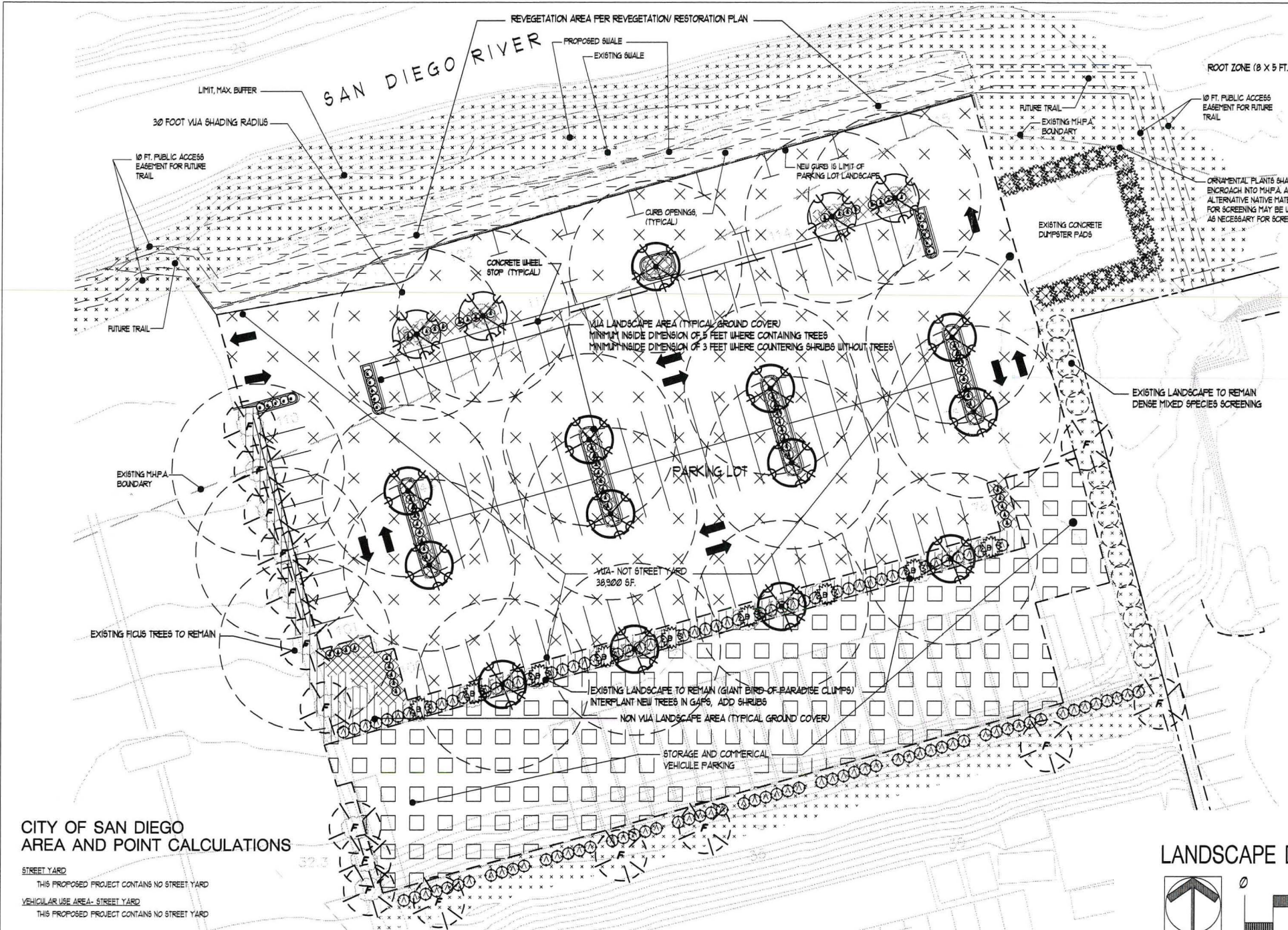
AHLES  
LANDSCAPE  
ARCHITECTURE INC.  
P.O. Box 1503  
Rancho Santa Fe, California 92067  
858.756.8963

CA# 2538

PROJECT NO: 07132

SAN DIEGO CA 92001

TOWN & COUNTRY HOTEL AND RESORT  
Interim 112 Space Parking Lot



**PLANT LEGEND**  
SPECIES LISTED OR SPECIES WITH SIMILAR CHARACTERISTICS SHALL BE UTILIZED.

SYMBOL	PLANT FUNCTION	PLANT FORM	SIZE/MASSING	APPROX. QUANTITY
(Circle with cross)	PARKING LOT TREE- 25' HEIGHT		FORM- BROAD UPRIGHT OVAL	23
(Circle with cross)	FICUS NITIDA 'GREEN GEM'	INDIAN LAUREL	100% 24" BOX	
(Circle with cross)	QUERCUS ILEX	HOLLY OAK		
(Circle with cross)	CINNAMOMUM CAMPHORA	CAMPHOR TREE		
(Starburst)	FUNCTION: EVERGREEN SCREENING SHRUB- 60 IN MIN TALL X 30 IN WIDTH		FORM- VERTICAL SHRUB	58
(Starburst)	STRELITZIA NICOLAI	GIANT BIRD OF PARADISE	100% 5 GALLON 13 FT. OC.	
(Starburst)	FICUS NITIDA 'COLLINAR'	COLLINAR FICUS		
(Starburst)	NATIVE ALTERNATIVES			
(Starburst)	HETEROCHELES ARBUTIFOLIA	TOYON		
(Starburst)	RUBUS INTEGROFOLIA	LEMONADE BERRY		
(Starburst)	FUNCTION: EVERGREEN SCREENING SHRUB- 30 IN MIN TALL X 30 IN WIDTH		FORM- ROUND SHRUB	58
(Starburst)	MORAEA RIGIDISSIMA	FORNIGHT LILY	100% 5 GALLON 13 FT. OC.	
(Starburst)	RHAPHOLEPIS 'SPRINGTITE'	INDIAN HAWTHORN		
(Starburst)	ABELIA GRANDIFLORA	ABELIA		
(Starburst)	FUNCTION: EVERGREEN SCREENING SHRUB- 30 IN MIN TALL X 30 IN WIDTH		FORM- ROUND SHRUB	53
(Starburst)	RHAPHOLEPIS 'SPRINGTITE'	INDIAN HAWTHORN	100% 5 GALLON 14 FT. OC.	
(Starburst)	LIGUSTRUM JAPONICUM	PRIVET		
(Starburst)	ABELIA GRANDIFLORA	ABELIA		
(Starburst)	FUNCTION: CASCADING SHRUBS- 1 TO 3 FT. HIGH X 5 FT. WIDTH		FORM- SPREADING CASCADING SHRUB	10
(Starburst)	BOGANVILLEA '50 RED'	BOGANVILLEA	100% 5 GALLON 13 FT. OC.	
(Starburst)	LANTANA MONTEVIDENSIS	LANTANA		
(Starburst)	ROSEMARINUS PROSTRATUS	ROSEMARY		
(Starburst)	FUNCTION: GROUND COVER		FORM- SPREADING GROUND COVER	
(Starburst)	GAZANIA MITSUBA YELLOW	GAZANIA	100% FLATS	
(Starburst)	LANTANA MONTEVIDENSIS	LANTANA		
(Starburst)	HYOPORUM PARVIFOLIUM	HYOPORUM		
(X)	EXISTING VEGETATION TO REMAIN			
(Dashed line)	RESTORATION / REVEGETATION AREA TO BE PROVIDED PER SEPARATE PLAN			

**BUFFER AREA PLANT MATERIAL**  
SPECIES LISTED PER CONCEPTUAL MITIGATION PLAN BY RECON. TABLE 2

BOTANICAL NAME	COMMON NAME	SIZE	DENSITY (PLANTS / ACRE)
ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	1 GALLON	300
SALVIA MELIFERA	BLACK SAGE	1 GALLON	100
MIMULUS AURANTIACUS	BUSH MONKEYFLOWER	1 GALLON	100
ENCELIA CALIFORNICA	CALIFORNIA ENCELIA	1 GALLON	750
ARTHEMISIA CALIFORNICA	CALIFORNIA SAGEBRUSH	1 GALLON	500
MULLENBERGIA RIGENS	DEERGRASS	1 GALLON	100
NASSELLA FULCHRA	PURPLE NEEDLEGRASS	1 GALLON	400
SISTRINCHUM BELLUM	BLUE-EYED GRASS	4 - INCH	300
LEYMUS TRITICOIDES	BEARDLESS WILD RYE	PLUGS	150
<b>TOTAL</b>			<b>2500</b>

**CITY OF SAN DIEGO AREA AND POINT CALCULATIONS**

**STREET YARD**  
THIS PROPOSED PROJECT CONTAINS NO STREET YARD

**VEHICULAR USE AREA- STREET YARD**  
THIS PROPOSED PROJECT CONTAINS NO STREET YARD

**VEHICULAR USE AREA- NOT IN STREET YARD**

AREA		
TOTAL YARD AREA		38,300
REQUIRED LANDSCAPE AREA	3 %	1161
PROVIDED LANDSCAPE AREA		1168
POINTS		
REQUIRED POINTS	83	161
PROVIDED POINTS		200
REQUIRED TREE POINTS		584
PROVIDED TREE POINTS- NEW		190
PROVIDED TREE POINTS- EXISTING	21 * 10	410
PROVIDED TREE POINTS- TOTAL		600

**VEHICULAR USE AREA- SERVICE YARD**

AREA		
TOTAL YARD AREA		14,300
REQUIRED LANDSCAPE AREA	3 %	441
PROVIDED LANDSCAPE AREA		500
POINTS		
REQUIRED POINTS	83	441
PROVIDED POINTS		710
REQUIRED TREE POINTS		224
PROVIDED TREE POINTS- NEW		0
PROVIDED TREE POINTS- EXISTING	21 * 10	240
PROVIDED TREE POINTS- TOTAL		240

**INVASIVE PLANT NOTES**  
THE PERMITTEE OR SUBSEQUENT OWNER SHALL ENSURE THAT ALL PROPOSED LANDSCAPING FOR REVEGETATION AND RESTORATION, ESPECIALLY PROPOSED LANDSCAPING WITHIN THE SAN DIEGO RIVER WETLAND BUFFER SHALL NOT INCLUDE EXOTIC PLANT SPECIES THAT MAY BE INVASIVE TO NATIVE HABITATS. PLANT SPECIES FOUND WITHIN THE CALIFORNIA INVASIVE PLANT COUNCIL'S (CAL-IPC) INVASIVE PLANT INVENTORY AND THE PROHIBITED PLANT SPECIES LIST FOUND IN TABLE 1 OF THE LANDSCAPE STANDARDS SHALL NOT BE PERMITTED.

THE PERMITTEE OR SUBSEQUENT OWNER SHALL ENSURE THAT ALL EXISTING INVASIVE PLANT SPECIES, INCLUDING VEGETATIVE PARTS AND ROOT SYSTEMS, SHALL BE COMPLETELY REMOVED FROM THE RESTORATION AREA UPON THE COMPLETION OF SPECIES TYPED, LOCATION AND SURROUNDING ENVIRONMENTAL CONDITIONS PROVIDES A MEANS FOR THE SPECIES TO INVADE OTHER AREAS OF NATIVE PLANT MATERIAL THAT ARE ON OR OFF THE PERMITS (LDC 1420403(B)(2)). INVASIVE AND/OR EXOTIC SPECIES FOUND IN ATTACHMENT 1 OF THE BIOLOGICAL TECHNICAL REPORT SHALL BE REMOVED FROM THE RESTORATION AREA.

**EXISTING TREE PROTECTION**  
THE FOLLOWING PROTECTION FOR EXISTING TREES TO REMAIN ON SITE WILL BE PROVIDED:  
1- A BRIGHT YELLOW OR ORANGE TEMPORARY FENCE WILL BE PLACED AROUND EXISTING TREES AT THE DRIP LINE.  
2- STOCKPILING, TOPSOIL DISTURBANCE, CONSTRUCTION MATERIAL STORAGE, VEHICLE USE, ROOT TRAFFIC, AND STORAGE OF ANY KIND IS PROHIBITED WITHIN THE DRIP LINE OF EXISTING TREES ON SITE.  
3- ROOT SYSTEMS OF EXISTING TREES ON SITE WILL BE PROTECTED FROM FLOODING, EROSION, CHEMICAL SPLITS, AND EXCESSIVE WETTING AND DRYING DURING DE-WATERING.  
4- THE EXISTING GRADE WILL BE MAINTAINED WITHIN THE DRIP LINE OF EXISTING TREES ON SITE.  
5- ROOTS OF EXISTING TREES ON SITE WILL BE CUT APPROXIMATELY 18 INCHES BACK FROM NEW CONSTRUCTION AND ALL CUTS WILL BE SEALED WITH WOOD PAINT AS MANUFACTURED BY PLINKOTE OR APPROVED EQUAL.  
6- MAINTAIN AND DOCUMENT A TREE WATERING SCHEDULE DURING CONSTRUCTION.  
7- ALL DAMAGED TREES WILL BE REPLACED WITH ONE OF EQUAL OR GREATER SIZE.

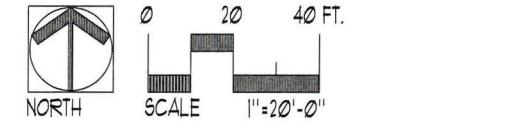
**EXISTING LANDSCAPE NOTE**  
EXISTING TREES SHOWN AND MANY SHRUBS WILL REMAIN. TREES TO BE REMOVED ARE NOTED ON THE PLAN. ANY AREAS BARE OR DISTURBED BY CONSTRUCTION WILL BE REPAIRED WITH NEW LANDSCAPING TO MATCH.

**DRAINAGE BEST MANAGEMENT PRACTICES**  
NO IRRIGATION RUN OFF SHALL DRAIN OFF SITE INTO THE PUBLIC RIGHT OF WAY, STREETS, DRIVES OR ALLEYS. NO CONNECTION SHALL BE MADE TO ANY STORM WATER GUTTER SYSTEM WITHOUT PROPER PERMITS. ALL ROOF DISCHARGE TO BE TO SURFACE DRAINAGE. REFER TO STORM WATER POLLUTION PREVENTION PLAN PREPARED BY SNIPES DYE & ASSOCIATES, 8348 CENTER DRIVE, SUITE G, LA MESA CA, 91941, DATED 8-5-2007.

**MINIMUM TREE SEPARATION DISTANCE**  
IMPROVEMENT / MINIMUM DISTANCE TO STREET TREE:

TRAFFIC SIGNALS (STOP SIGN)	20 FEET
UNDERGROUND UTILITY LINES	5 FEET
ABOVE GROUND UTILITY STRUCTURES	10 FEET
DRIVEWAY (ENTRIES)	10 FEET
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS)	25 FEET

**LANDSCAPE DEVELOPMENT PLAN**



**LANDSCAPE CONCEPT STATEMENT**

**LANDSCAPE REGULATORY CONFORMANCE**  
ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO CITY OF SAN DIEGO'S LAND DEVELOPMENT CODE, LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS, THE MISSION VALLEY PLANNED DISTRICT, THE ATLAS SPECIFIC PLAN, AND ALL OTHER CITY AND REGIONAL STANDARDS.

**IRRIGATION CONCEPT**  
ALL LANDSCAPE AREAS WILL BE IRRIGATED WITH AUTOMATICALLY CONTROLLED, PERMANENT UNDERGROUND SYSTEMS. ALL IRRIGATION EITHER EXISTING OR PROPOSED, SHALL CONFORM TO CITY ORDINANCE LANDSCAPE ARTICLES AND LAND DEVELOPMENT MANUAL AND ALL OTHER APPLICABLE CITY AND REGIONAL STANDARDS FOR IRRIGATION AND MAINTENANCE. SYSTEM SHALL PROVIDE FOR THE PROPER IRRIGATION DEVELOPMENT AND MAINTENANCE OF THE VEGETATION. SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. RUNOFF SHALL BE MINIMIZED TO THE EXTENT POSSIBLE PER THE REGULATIONS. WATER CONSERVATION IS PROMOTED THROUGH THE 'HYDROZONE' GROUPINGS OF PLANTS WITH SIMILAR IRRIGATION REQUIREMENTS.

**MAINTENANCE NOTE**  
ALL LANDSCAPING WILL BE MAINTAINED BY THE PROPERTY OWNER. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

**REFERENCE**

SHEET	OF

PREPARED BY:	REVISION 10:
NAME: AHLES LANDSCAPE ARCHITECTURE	REVISION 11:
PO BOX 1503	REVISION 12:
RANCHO SANTA FE, CA 92061	REVISION 3:
PHONE #: 858.756.8963	REVISION 4:
	REVISION 5:
	REVISION 6:
PROJECT ADDRESS:	REVISION 7:
3021 EL CAJON BLVD.	REVISION 8:
SAN DIEGO, CA	REVISION 9:
PROJECT NAME:	REVISION 3:
INTERIM 108 SPACE PARKING LOT	REVISION 2: ANNOTATIONS- 1-28-13
TOWN AND COUNTRY HOTEL AND RESORT	REVISION 1: 9 MAR 09
	ORIGINAL DATE: 3 MAR 09
SHEET TITLE:	SHEET _____ OF _____
LANDSCAPE DEVELOPMENT PLAN	DEP# _____

HEARING OFFICER  
RESOLUTION NO. HO-XXXX  
SITE DEVELOPMENT PERMIT NO. 400602  
**TOWN AND COUNTRY PARKING LOT – PROJECT NO. 188318 [MMRP]**

WHEREAS, TOWN AND COUNTRY HOTEL, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future recreation easement for a river path to abate code violations after paving a 112-space parking lot (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 400602) on portions of a 11.93-acre site; and

WHEREAS, the project site is located at 500 Hotel Circle North in the MVPD-MV-M/SP Zone, Special Flood Hazard Area and the OF-1-1 Zone, within the Mission Valley Community Plan and the Atlas Specific Plan and is subject to Planned Commercial Development/Conditional Use Permit No. 88-0585 ("PCD"); and

WHEREAS, the project site is legally described as all that portion of Lot 2 of Mission Valley Ball Park, Map No. 3755; portions of Lot 4 of Partition of Pueblo Lot 1105, Referee's Map No. 1029; Lot 1 of Town and Country Hotel, Map No. 6274; and Lots 1 and 2 of Seven Inns Subdivision, Map No. 5671; and

WHEREAS, on February 20, 2013, the Hearing Officer of the City of San Diego considered Site Development Permit No. 400602 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated February 20, 2013.

**Site Development Permit - Section 126.0504**

**A. Findings for all Site Development Permits**

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

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future recreation easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585. The proposed development is located within the Mission Valley Community Plan area and identified as the Town and Country Hotel site in the corresponding Atlas Specific Plan. The Mission Valley Community Plan designates the 11.93 acre project site for Commercial Recreational use and the Atlas Specific Plan recognizes the property as an existing Hotel.

The Specific Plan and the approved and utilized PCD authorizes the future expansion of the Hotel.

The area of the interim paved parking lot was previously disturbed dating back to the early 1950's. At that time a paved tree lined road ran directly through the area. From the 1960s through 2006, the subject property was utilized as a dirt parking lot and staging area for storage and hotel operations. It was also utilized for surface parking, special events, and other hotel related activities including storage, landscaping staging area, and a planting operations. This use and activity predated the Multiple Habitat Planning Area (MHPA) and the Environmentally Sensitive Lands Ordinance. The limited grading and the paving of the interim parking lot resulted in temporary short term impacts to biological resources, however the vegetation has grown back. Additionally, the interim paved parking lot was modified (reduced in size) at the request of the State of California Regional Water Quality Control Board ("RWQCB") and the Department of Fish and Game to respect the drip line of the adjacent wetland habitat.

The proposed interim parking lot, San Diego River restoration, covenant of easement, and future easement for a recreation trail are consistent with the Commercial Recreation designation of the Community Plan and would not adversely affect the ultimate build out of the Atlas Specific Plan and utilized PCD. The interim parking lot use has been determined by Staff via Process 1 to be in Substantial Conformance with PCD No. 88-0585, which will implement the Atlas Specific Plan.

The interim parking lot was designed specifically to comply with the required buffers as contained within the utilized and vested Atlas Specific Plan and PCD. That Plan requires implementation of a 30-ft buffer (average) adjacent to the river. The Atlas Specific Plan states, "...the 30-ft buffer (average) shall be located between the river wetland areas and adjacent development". An Easement for a future 10 foot wide pedestrian path will be provided adjacent to the river. Pursuant to the Atlas Specific Plan, "the path may be within the buffer." Based upon the conclusions of the Biological Reports, the Mitigated Negative Declaration, and with the implementation of the Conceptual Mitigation Plan and required conditions of approval, all sensitive biological resources will be adequately protected (and not be adversely affected by the project). Further the San Diego River Corridor resources will be enhanced as a result of the various mitigation measures. Therefore, the proposed development would not adversely affect the applicable land use plan.

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

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved interim parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

Although the project site is located within a 100-year flood hazard area, no habitable structures are proposed. The project is the permitting, remediation, and mitigation of unauthorized placement of soil adjacent to the river, in order to pave the interim parking lot.

The project would be required to comply with all storm water quality standards during and after construction and appropriate Best Management Practices (BMPs) must be utilized that would ensure that water quality is not degraded, ensuring that project runoff is directed to appropriate drainage systems. Treatment Control BMP's will be implemented upon project approval. A vegetated swale will be incorporated into the wetland buffer area.

The Environmental Initial Study conducted pursuant to the California Environmental Quality Act (CEQA) Guidelines determined that the project could potentially have significant Environmental Impacts to the adjacent MHPA Land Use Adjacency and on Biological Resources on the site. Mitigated Negative Declaration No. 118318 was prepared for the project that includes a Mitigation Monitoring and Reporting Program (MMRP) that will require implementation of Land Use Adjacency Guidelines, various Mitigation Measures, and ongoing monitoring. Revisions to the project reduced the size of parking lot and added specific mitigation measures as identified within section 5 of the Mitigated Negative Declaration. With the implementation of the mitigation measures, the project as revised now avoids or mitigates the potential significant environmental affects previously identified. Based upon the implementation of the mitigation measures, there will be no direct or indirect unmitigated adverse impacts associated with the project.

The project was designed and constructed to comply with all local, State and Federal standards including the Federal Emergency Management Agency (FEMA) requirements. The proposed development would include a covenant of easement, restoration and enhancement of the San Diego River corridor, a ten-foot easement for a future public pedestrian trail, as well as interim off-street parking spaces. Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

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

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The property is within a Special Flood Hazard Area consisting of a 100-year flood plain. Development within the Special Flood Hazard Area is subject to the Environmentally Sensitive Lands (ESL) Regulations and therefore requires a Site Development Permit. The project has been conditioned to comply with FEMA and the other applicable Municipal Code regulations. Additionally, the proposed development complies with all applicable development regulations of the Mission Valley Planned District Ordinance, and the MVPD-MV-M/SP Zone. The use of the paved interim parking lot has been determined to be in substantial conformance to the approved PCD No. 88-0585. Therefore, the proposed development would comply with the applicable regulations of the Land Development Code.

**B. Supplemental Findings--Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The area of the interim paved parking lot was previously disturbed dating back to the early 1950's. At that time a paved tree lined road ran directly through the area. From the 1960s through 2006, the subject property was utilized as a dirt parking lot and staging area for storage and hotel operations. It was also utilized for surface parking, special events, and other hotel related activities including storage, landscaping staging area, and a planting operations. All of this activity predated the MHPA and the Environmentally Sensitive Lands Ordinance. The limited grading and the paving of the interim parking lot resulted in temporary short term impacts to biological resources, however the vegetation has grown back. Additionally, the interim paved parking lot was modified (reduced in size) at the request of the State of California Regional Water Quality Control Board ("RWQCB") and the Department of Fish and Game to respect the drip line of the adjacent wetland habitat.

The interim parking lot was designed specifically to comply with the required buffers as contained within the vested Atlas Specific Plan and PCD. The Plan and PCD requires implementation of a 30-ft buffer (average) adjacent to the river. The Atlas Specific Plan states, "the 30-ft buffer (average) shall be located between the river wetland areas and adjacent development". The future 10-ft wide pedestrian path will be provided adjacent to the river. Pursuant to the Atlas Specific Plan, "the path may be within the buffer." The pedestrian trail will not be installed or constructed at this time, however the Applicant is required to record a ten-foot wide easement for a future 5-ft pedestrian trail (which may or may not be implemented based upon ultimate build out of the Atlas Specific Plan, and the long range San Diego River plans concerning pedestrian and bicycle access). The easement will allow, if appropriate in the future, the construction of a pedestrian path within the area identified. The depicted alignment of the future trail was selected so as to minimize impacts to the MHPA and was placed within the previously disturbed portions of the site close to adjacent development. A functional pedestrian path is currently provided on the north side of the San Diego River adjacent to Fashion Valley Mall and within the light rail transit right-of-way. With the implementation of the Conceptual Mitigation Plan, and Permit Conditions all sensitive biological resources will be adequately protected (and not be adversely affected by the ongoing project). Further the San Diego River corridor resources will be significantly enhanced with the implementation of the Project related conditions of approval.

The Mitigated Negative Declaration and the Biological Technical Report conclude that there are no direct or indirect unmitigated adverse impacts associated with the project. The interim parking lot was reduced specifically at the request of the RWQCB and the Department of Fish and Game to respect the drip line of the Riparian Habitat. The paving was cut back to meet the Agency requests. The proposed interim parking lot is in an area of the property previously disturbed and used as off-street parking and for Hotel staging.

The project has been constructed to comply with all local, State and Federal regulations for development adjacent to the floodway and flood-plain. The site has continuously been used as a Hotel since the 1950s and the proposed interim parking lot is consistent with the Mission Valley Community Plan, the Atlas Specific Plan, the approved PCD, and the Land Development Code. The MND and Biological Technical Report conclude that there are no direct as indirect unmitigated adverse impacts. Therefore the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The proposed interim parking lot is in an area of the property that has been used since the early 1950s as a surface parking lot and Hotel staging operations. The interim parking lot has been designed in accordance with all applicable regulations for development within the flood zone. Initial excess graded material and supplemental asphalt was removed specifically under the direction and supervision of the Army Corps of Engineers, the Department of Fish and Game, the RWQCB, and City Staff. The project is not considered significant, and there are no geological constraints that would adversely affect the project. The project will not alter any natural landforms. Therefore the project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The proposed interim parking lot is located adjacent to the San Diego River, which is identified as an environmentally sensitive land. The Mitigated Negative Declaration and the Biological Technical Report conclude that there are no direct or indirect unmitigated adverse impacts associated with the project. The current "as built" interim parking lot was reduced specifically at the request of the RWQCB and the Department of Fish and Game to respect the "drip line" of the Riparian Habitat. The paving was cut back to meet the Agency requests. The interim parking lot will not result in adverse impacts on the river or its associated habitat. The project will implement Water Quality Control Best Management Practices (BMP's), which

will control run-off and prevent soil erosion. The interim parking lot is sited in an area of previous disturbance. The interim parking lot would not be any closer to the San Diego River or designated open space within the Community Plan than was the previously existing dirt surface parking lot and Hotel operations staging area. BMP's for control of run-off and pollution will be provided as required conditions of the permit. Therefore the proposed development will be sited and designed to prevent adverse impacts on any adjacent Environmentally Sensitive Lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The interim parking lot is sited in an area of the property currently disturbed and utilized as a surface dirt parking lot and for hotel operations. The paved interim parking lot is no closer to Multiple Habitat Planning Area (MHPA) than the previous dirt parking lot and Hotel operations. The Site Development Permit is conditioned to include all MHPA and Biological land use Adjacency Guidelines including BMP's, required buffers, shielding of lighting, and the recordation of a Conservation Easement. The Mitigated Negative Declaration and the Biological Technical Report conclude that there are no direct or indirect unmitigated adverse impacts associated with the project on MSCP resources. The current "as built" interim paved parking lot was reduced specifically at the request of the RWQCB and the Department of Fish and Game to respect the "drip line" of the Riparian Habitat. The paving was cut back to meet the Agency requests. The interim parking lot was designed specifically to comply with the required buffers as contained within the utilized Atlas Specific Plan and PCD. That Plan requires implementation of a 30-foot buffer (average) adjacent to the river. The Atlas Specific Plan states, "the 30-ft buffer (average) shall be located between the river wetland areas and adjacent development". An Easement for a future 10-foot wide pedestrian path will be provided. Pursuant to the Atlas Specific Plan "the path may be within the buffer." Based upon the conclusions of the Biological Reports, the Mitigated Negative Declaration, and with the implementation of the Conceptual Mitigation Plan and permit conditions, all sensitive biological resources will be adequately protected (and not be adversely affected by the project). Further the San Diego River corridor resources will be significantly enhanced. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future Easement for a River Path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site.

The project site is located within Mission Valley adjacent to the San Diego River. The proposed restoration and enhancement project will repair the past disturbance to the river that occurred while paving the interim parking lot on site. The river eventually drains into the Pacific Ocean. Restoration and enhancement of the river area in Mission Valley contributes to the quality of water flow, eradication of non-native plant material and reduction of silt. Therefore the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The project proposes for a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future Easement for a River Path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The proposed interim parking lot is sited in an area of the property that was previously developed and utilized as a dirt parking lot and for Hotel operations and staging. The proposed development was determined to have potentially adverse impacts to Biology and MHPA Land Use Adjacency due to the proximity of the San Diego River. Therefore Mitigated Negative Declaration No. 118318 was prepared for the project pursuant to the California Environmental Quality Act (CEQA). The project was modified to reduce the paved are Mitigation in the form of restoration and enhancement of the San Diego River Corridor, recordation of a covenant of easement and various other mitigation measures including BMPs are required per the conditions of the Site Development Permit to ensure any impacts to Biological resources would be mitigated.

**C. Mission Valley Planned District Findings**

**1. The proposed development is consistent with the Mission Valley Community Plan and the Progress Guide and General Plan.**

The project proposes for a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future Easement for a River Path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The proposed development is located within the Mission Valley Community Plan and identified as the Town and Country Hotel site in the corresponding Atlas Specific Plan. The Mission Valley Community Plan designates site for commercial recreational use and the Atlas Specific Plan recognizes the property as an existing Hotel. The Specific Plan and the approved and utilized PCD authorizes the future expansion of the Hotel.

As demonstrated with the aerial photographs, the area where the interim parking lot was paved was previously utilized (disturbed) dating back to the early 1950's when a paved tree lined road ran directly through the area in question. From the 1960s through 2006 the subject property was utilized as a dirt parking lot and staging area for storage and hotel operations. It was also utilized for surface parking, special events, and other hotel related activities including storage, landscaping staging area and a planting operation. (See the aerial photographs from the 1970's). All of this activity predated the MHPA and the



Environmentally Sensitive Lands Ordinance. The limited grading and the paving of the interim parking lot did result in temporary short term impacts. However these impacts have since been nullified as the habitat has grown back. Additionally, the interim parking lot was reduced at the request of the RWQCB and the Department of Fish and Game to respect the drip line of the adjacent wetland habitats. As such, there are no remaining short or long term impacts.

The proposed interim parking lot, San Diego River restoration, covenant of easement, and future easement for a pedestrian trail are consistent with the Commercial Recreation designation of the Community Plan and would not adversely affect the ultimate buildout of the Atlas Specific Plan and utilized PCD. The interim parking lot has been determined to be in Substantial Conformance with PCD No. 88-0585 which implements the Atlas Specific Plan.

The interim parking lot was designed specifically to comply with the required buffers as contained within the utilized and vested Atlas Specific Plan and PCD. That Plan requires implementation of a 30-ft buffer (average) adjacent to the river. The Atlas Specific Plan states, "the 30-foot buffer (average) shall be located between the river wetland areas and adjacent development". An Easement for a future 10-foot wide pedestrian path will be provided adjacent to the river. Pursuant to the Atlas Specific Plan, "the path may be within the buffer." Based upon the conclusions of the Biological Reports, the Mitigated Negative Declaration, and with the implementation of the Conceptual Mitigation Plan and project related conditions, all sensitive biological resources will be adequately protected (and not be adversely affected by the project). Further the San Diego River Corridor resources will be significantly enhanced. Therefore, the proposed development is consistent with the Mission Valley Community Plan and the General Plan.

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

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The area where the interim parking lot was paved was previously utilized (disturbed) dating back to the early 1950's when a paved tree lined road ran directly through the area in question. From the 1960s through 2006 the subject property was utilized as a dirt parking lot and staging area for storage and hotel operations. It was also utilized for surface parking, special events, and other hotel related activities including storage, landscaping staging area, and planting operation. All of this activity predated the MHPA and the Environmentally Sensitive Lands Ordinance. The limited surface grading and the paving of the interim parking lot resulted in temporary short term impacts. Additionally, the interim parking lot was modified at the request of the RWQCB and the Department of Fish and Game to respect the drip line of the adjacent wetland habitat. As such, there are no unmitigated short or long term impacts.

The interim parking lot was designed specifically to comply with the required buffers as contained within the utilized and vested Atlas Specific Plan and PCD. That Plan and PCD requires implementation of a 30-ft buffer (average) adjacent to the river. The Atlas Specific Plan states, “the 30-foot buffer (average) shall be located between the river wetland areas and adjacent development”. The future 10-foot wide pedestrian path will be provided adjacent to the river. Pursuant to the Atlas Specific Plan, “the path may be within the buffer.” The pedestrian trail will not be installed or constructed at this time. The Applicant is required to record the 10-foot wide easement for a future 5-foot pedestrian trail (which may or may not be implemented based upon ultimate build out of the Atlas Specific Plan, and the long range San Diego River plans concerning pedestrian and bicycle access). The easement will allow, if appropriate in the future, the construction of a pedestrian path within the area identified (subject to ultimate build out of the phases 2 and 3 of the Atlas Specific Plan). The depicted alignment of the future trail was selected so as to minimize impacts to the MHPA and was placed within the previously disturbed portions of the site close to adjacent development. A functional pedestrian path is currently provided on the north side of the San Diego River adjacent to Fashion Valley Mall and within the Light Rail Transit (LRT) right-of-way. Based upon the conclusions of the Biological Reports, the Mitigated Negative Declaration, and with the implementation of the Conceptual Mitigation Plan, all sensitive biological resources will be adequately protected (and not be adversely affected by the project). Further the San Diego River corridor resources will be significantly enhanced within the implementation of the project related conditions of approval.

The Mitigated Negative Declaration and the Biological Technical Report conclude that there are no direct or indirect unmitigated adverse impacts associated with the project. The interim parking lot was reduced specifically at the request of the RWQCB and the Department of Fish and Game to respect the drip line of the Riparian Habitat. The paving was cut back to meet the Agency requests. The proposed interim parking lot is in an area of the property previously disturbed and used as off-street parking and for Hotel staging.

The project has been constructed to comply with all local, State and Federal regulations for development adjacent to the floodway and flood-plain. The site has continuously been used as a Hotel since the 1950s and the proposed interim parking lot is consistent with the Mission Valley Community Plan, the Atlas Specific Plan, the approved PCD and the Land Development Code. The MND and Biological Technical Report conclude that there are no direct as indirect unmitigated adverse impacts. Therefore the proposed development provides required public facilities and is compatible with adjacent open space areas.

**3. The proposed development meets the purpose, intent and criteria of the planned district including the applicable “Guidelines for Discretionary Review” adopted as a part of the planned district.**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The proposed development is located within the Mission Valley Community Plan and identified as the Town and Country Hotel site in the corresponding Atlas Specific Plan. The Mission Valley Community Plan designates site for commercial recreational use and the Atlas Specific Plan recognizes the property as an existing Hotel. The Specific Plan and the approved and utilized PCD authorizes the future expansion of the Hotel.

The area where the interim parking lot was paved was previously utilized (disturbed) dating back to the early 1950's when a paved tree lined road ran directly through the area in question. From the 1960s through 2006 the subject property was utilized as a dirt parking lot and staging area for storage and hotel operations. It was also utilized for surface parking, special events, and other hotel related activities including storage, landscaping staging area and a planting operation. (See the aerial photographs from the 1970's) All of this activity predated the MHPA and the Environmentally Sensitive Lands Ordinance. The limited grading and the paving of the interim parking lot did result in temporary short term impacts. However these impacts have since been nullified as the habitat has grown back. Additionally, the interim parking lot was reduced at the request of the RWQCB and the Department of Fish and Game to respect the drip line of the adjacent wetland habitats. As such, there are no remaining short or long term impacts.

The proposed interim parking lot, San Diego River restoration, covenant of easement, and future easement for a pedestrian trail are consistent with the Commercial Recreation designation of the Community Plan and would not adversely affect the ultimate buildout of the Atlas Specific Plan and utilized PCD. The interim parking lot has been determined to be in Substantial Conformance with PCD No. 88-0585 which implements the Atlas Specific Plan.

The interim parking lot was designed specifically to comply with the required buffers as contained within the utilized and vested Atlas Specific Plan and PCD. That Plan requires implementation of a 30-foot buffer (average) adjacent to the river. The Atlas Specific Plan states, "the 30-foot buffer (average) shall be located between the river wetland areas and adjacent development". An Easement for a future 10-foot wide pedestrian path will be provided adjacent to the river. Pursuant to the Atlas Specific Plan, "the path may be within the buffer." Based upon the conclusions of the Biological Reports, the Mitigated Negative Declaration, and with the implementation of the Conceptual Mitigation Plan and project related conditions, all sensitive biological resources will be adequately protected (and not be adversely affected by the project). Further the San Diego River Corridor resources will be significantly enhanced. Therefore the proposed development meets the purpose, intent and criteria of the planned district including the applicable "Guidelines for Discretionary Review" adopted as a part of the planned district.

**4. The proposed development will comply with all other relevant regulations in the San Diego Municipal Code.**

The project proposes a San Diego River restoration and enhancement project including a covenant of easement and the provision of a future easement for a river path to abate code violations after paving a 112-space parking lot, within the existing Town and Country Hotel site. The Site Development Permit would also allow the continued use of the paved parking lot, which has been found to be in substantial conformance with the existing Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585.

The property is within a Special Flood Hazard Area consisting of a 100-year flood plain. Development within the Special Flood Hazard Area is subject to the Environmentally Sensitive Lands (ESL) Regulations and therefore requires a Site Development Permit. The project has been conditioned to comply with all FEMA and the other applicable Municipal Code regulations. Additionally, the proposed development complies with all applicable development regulations of the Mission Valley Planned District Ordinance, the MVPD-MV-M/SP and Zone. No deviations are required. The Interim Parking Lot use has been determined to be in substantial conformance to the approved PCD No. 88-0585. Therefore, the proposed development complies with all other relevant regulations in the San Diego Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 400602, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No.400602 a copy of which is attached hereto and made a part hereof.

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Jeannette Temple  
Development Project Manager  
Development Services

Adopted on February 20, 2013

Internal Order No. 23427190

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23427190

**SITE DEVELOPMENT PERMIT NO. 400602**  
**TOWN AND COUNTRY PARKING LOT – PROJECT NO. 118318 [MMRP]**  
**HEARING OFFICER**

This Site Development Permit No. 400602 is granted by the Hearing Officer of the City of San Diego to Town and Country Hotel, LLC, a Delaware limited liability company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 11.93 acre site is located at 500 Hotel Circle North in the MV-M/SP zone of Mission Valley Planned District and OF-1-1 zone within the Atlas Specific Plan and Mission Valley Community Plan. The project site is legally described as all that portion of Lot 2 of Mission Valley Ball Park, Map No. 3755; portions of Lot 4 of Partition of Pueblo Lot 1105, Referee's Map No. 1029; Lot 1 of Town and Country Hotel, Map No. 6274; and Lots 1 and 2 of Seven Inns Subdivision, Map No. 5671.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to implement a San Diego River Restoration and Enhancement Plan, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2013, on file in the Development Services Department.

The project shall include:

- a. Restoration and enhancement planting adjacent to the San Diego River;
- b. A paved, interim 112 space vehicle parking lot expansion;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

- e. A 10'-0" wide recreation easement, containing an area for a 5'-0" wide future paved pedestrian path, on the south side of the river, from the existing bridge to the existing drainage swale, as shown on Exhibit "A."
- f. A 4'-0" high wood peeler log fence on the north side of the river, from the east end of the existing western parking lot to the east property line, along with two metal access gates, to be located at the west and east end, allowing for bicycle and pedestrian circulation, as shown on Exhibit "A."

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. The conditions and requirements of Conditional Use and Planned Commercial Development Permit No. 88-0585 remain in effect except as modified by this permit and Substantial Conformance Review.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

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

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

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

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 118318, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 118318, satisfactory to the Development Services Department and the City Engineer. Prior to the recordation of easements, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Land Use/Multiple Species Conservation Program (MSCP)  
Biological Resources

14. Within 120 days after approval of this permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

15. Covenant of Easement: The on-site MHPA areas to be conserved as depicted within Exhibit A shall be conveyed to the City's MSCP preserve through a covenant of easement granted in favor of the City and wildlife agencies to the satisfaction of the Development Services Department. To facilitate MHPA conveyance any non-fee areas shall have covenant of easements placed over them if located in the area to be conserved, and be conserved in perpetuity by the Owner/Permittee unless otherwise agreed to by the City.

16. 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.).

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



**ENGINEERING REQUIREMENTS:**

18. The Owner/Permittee shall record to the satisfaction of the City Engineer (which approval shall entail the concurrence of the Parks and Recreation Department), a covenant of easement for MHPA land to be conserved as depicted within Exhibit A, and the 10'-0" wide recreation easement on the south side of the river, within 180 days from the date of approval of this permit after all appeal rights have been exhausted, with the right to extend an additional 180 days for good cause as determined by the City Engineer.
19. The Owner/Permittee shall complete installation of the improvements, including restoration planting to the satisfaction of the Development Services Director, within one year after the recordation of the recreation easement, with the right to extend an additional 180 days for good cause as determined by the City Engineer.
20. The Park and Recreation Department shall review and approve any future trail improvement plans prior to construction, which approval is subject to all applicable requirements of the San Diego Municipal Code.
21. The recreation easement area shall be kept free and clear of native vegetation by the Owner/Permittee.
22. Prior to recordation of the covenant of easement and the recreation easement, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
23. Prior to recordation of the covenant of easement and the recreation easement, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
24. Prior to recordation of the easements, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
25. Prior to recordation of the easements, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
26. The drainage system proposed for this development is private and subject to approval by the City Engineer.
27. The Owner/Permittee shall denote on any improvement plans "Subject to Inundation" for all areas lower than the base flood elevation plus 2 feet.
28. Any export material shall be discharged into a legal disposal site. The approval of this Permit does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

29. Any grading at the subject site shall require a grading permit in accordance with LDC Section 129.0602 (c) and shall be in a manner satisfactory to the City Engineer. Grading shall be considered those activities included in the definition contained in LDC Section 113.0103.

**LANDSCAPE REQUIREMENTS:**

30. Prior to recordation of the covenant of easement and recreation easements, the Owner/Permittee shall submit landscape construction documents for the parking areas and restoration/re-vegetation, including irrigation and hydro-seeding, of all disturbed land in accordance with the Land Development Manual, Landscape Standards, and the submitted "Conceptual Mitigation Plan", to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this Permit and Exhibit "A." In addition, the landscape documents for the restoration/re-vegetation area shall provide a landscape design that provides view sheds from the future river pathway into the river by planting native plants that do not exceed 30" in height at maturity along 50% of the pathway length. All plans shall be in substantial conformance to this Permit and Exhibit "A."

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

32. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to the performance of a Final Landscape Inspection.

33. Prior to recordation of the covenant of easement and the recreation easement, the Owner/Permittee shall ensure that all proposed landscaping, including landscaping adjacent to the San Diego River and/or MHPA as depicted within the Covenant of Easement, does not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, "Attachment 1" of the submitted Biological Technical Report (dated Feb 19, 2009) and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

34. Within one year after recordation of the covenant of easement and the recreation easement, the Owner/Permittee shall, consistent with the Mitigated Negative Declaration, ensure that all existing, invasive plant species, including vegetative parts and root systems, are completely removed from the restoration area of the premises that is covered by this Permit, when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [LDC 142.0403(b)(2)]. A mitigation monitoring period of five (5) years in accordance with the Conceptual Mitigation Plan and the adopted "Mitigation Monitoring and Reporting Program" shall be required to ensure that these invasive plant species do not continue to germinate on-site.

**PLANNING/DESIGN REQUIREMENTS:**

35. The surface parking area shall only be used for 112 supplemental automobile parking spaces (100 - perpendicular spaces at 8.5 feet wide by 18 feet long and 12 - parallel spaces at 8.5 feet wide by 24.5 feet long), shall not be counted towards the required parking for the site, and shall only be used on an interim basis, satisfactory to the City Engineer. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

36. Additional parking required as the result of future additions or modifications to the Town and Country site shall be provided in parking structures which are designed and located in accordance with the Atlas Specific Plan and PCD/CUP No. 88-0585. Should any parking structures be required or constructed prior to Phase II, the removal of the interim parking lot and relocation of the adjacent refuse facilities and storage containers shall be included in the building permit plans for the first parking structure.

37. In conjunction with any future expansion or addition to the site under Phase II of PCD/CUP 88-0585, all surface parking areas, including the interim parking area, within the 150-foot Design Sensitive Zone shall be removed and replaced in accordance with the exhibits and guidelines of the Atlas Specific Plan and PCD/CUP 88-0585.

38. The interim parking lot shall only be used for parking and incidental accessory uses.

39. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

40. 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**

41. All proposed drive aisle widths shall satisfy the current San Diego Municipal Code drive aisle width minimum requirements, satisfactory to the City Engineer.

**INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on February 20, 2012, by Resolution No. XXXX-HOPermit

Type/PTS Approval No.: SDP No. 400602  
Date of Approval: XXXX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Jeannette Temple  
Development Project Manager

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

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**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.

**Town and Country Hotel, LLC**  
Owner/Permittee

By \_\_\_\_\_  
Terry Brown  
President

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

RESOLUTION NUMBER HO-XXXX-1

ADOPTED ON February 20, 2013

WHEREAS, on April 9, 2007, Town & Country Hotel, LLC, submitted an application to Development Services Department for Site Development Permit No. 400602 for the Town & Country Parking Lot (Project); and

WHEREAS, the issue was heard by the Hearing Officer on February 20, 2013; and

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

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 118318 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment

—previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Service Department.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: \_\_\_\_\_  
Jeannette Temple, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

**EXHIBIT A**

## MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. 400602

TOWN &amp; COUNTRY PARKING LOT - PROJECT NO. 118318

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 118318 shall be made conditions of Site Development Permit No. 400602, as may be further described below.

**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)**

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

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **Qualified biological monitor**

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

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
  - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 118318 and/or Environmental Document Number 118318, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

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

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



documentation issued by the responsible agency: **Resource Agencies (CDFG, USFWS, ACOE, and RWQCB)**

4. **MONITORING EXHIBITS**

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

**NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

## 5. OTHER SUBMITTALS AND INSPECTIONS:

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

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

## C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

### LAND USE/MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)

*In order to avoid significant indirect land use impacts, the following mitigation measures are the responsibility of the project applicant and shall be implemented by the project applicant:*

- A. Prior to the first pre-construction meeting, the Owner/Permittee shall provide a letter of verification to the Mitigation Monitoring Coordination Section stating that a qualified Biologist, as defined in the City of San Diego Biological Review References, has been retained to implement the projects MSCP monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project.
- B. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
- C. The qualified biologist (project biologist) shall attend the first preconstruction meeting and discuss the projects biological monitoring program.
- D. In addition, the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented:

1. Prior to initiation of any construction-related grading, the construction foreman and/or project biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
2. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading, as shown on approved Exhibit A, shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading. All native plants or species of special concern, (i.e. western dichondria, San Diego barrel cactus, California adolphia, Nuttal's scrub oak, summer holly) as identified in the biological technical report, shall be staked, flagged and avoided within Brush Management Zone 2, if applicable.
3. Invasive non-native plant species shall not be introduced into areas adjacent to the MHPA. Landscape plans shall contain non-invasive native species adjacent to sensitive biological areas as shown on approved Exhibit A.
4. All lighting adjacent to the MHPA shall be shielded, unidirectional and directed away from preserve areas using appropriate placement and shields. If lighting adjacent to the MHPA is required for nighttime construction, it shall be directed away from the preserve and the tops of adjacent trees with potentially nesting raptors, using appropriate placement and shielding.
5. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A and shall not encroach into sensitive biological areas within either the open-space and/or MHPA areas. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.
6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading, as shown on approved Exhibit A. All construction related debris shall be removed off-site to an approved disposal facility.
8. The Limits of Work shall be marked with construction fencing prior to the start of work. A qualified biologist shall supervise the placement of fencing along the Limits of Work.

9. Should construction occur during the breeding season of the least Bell's vireo (March 15 and September 15) and the Southwestern Willow Flycatcher (May 1 and September 1), the following mitigation measures shall be required and implemented:

**LEAST BELL'S VIREO (State Endangered/Federally Endangered)**

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the city manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the least bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
- I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
  - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 db(a) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 db(a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
  - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 db(a) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that

noise levels do not exceed 60 db(a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
- I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - II. If this evidence concludes that no impacts to this species are anticipated, no further mitigation measures are necessary.

**SOUTHWESTERN WILLOW FLYCATCHER (Federally Endangered)**

No clearing, grubbing, grading, or other construction activities shall occur between May 1 and September 1, the breeding season of the Southwestern Willow Flycatcher, until the following requirements have been met to the satisfaction of the city manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [db(A)] hourly average for the presence of the Southwestern Willow Flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the Southwestern Willow Flycatcher is present, then the following conditions must be met:
- I. Between May 1 and September 1, no clearing, grubbing, or grading of occupied Southwestern Willow Flycatcher habitat shall be permitted.

- Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
- II. Between May 1 and September 1, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 db(A) hourly average at the edge of occupied southwestern willow flycatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 db(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
- III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 db(A) hourly average at the edge of habitat occupied by the Southwestern Willow Flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 db(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 1).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If Southwestern Willow Flycatcher are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and September 1 as follows:
- I. If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - II. If this evidence concludes that no impacts to this species are anticipated, no additional mitigation measures are necessary.

**BIOLOGICAL RESOURCES (HABITAT LOSS – WETLANDS)**

*In order to avoid significant direct and indirect biological resource impacts, the following mitigation measures are the responsibility of the project applicant and shall be implemented by the project applicant:*

Prior to the recordation of the public access easements or beginning of any construction related activity on-site, the Assistant Deputy Director (ADD) environmental designee of the City's Entitlements Division shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading *Environmental Requirements*: "Town and Country Parking Lot is subject to Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration No. 118318/State Clearinghouse Number 2011041092 ~~to be determined~~".

Prior to the recordation of the public access easements or beginning of any construction related activity on-site the ADD environmental designee of the City's Entitlements Division shall incorporate the following mitigation measures into the project design and include them verbatim on all appropriate construction documents.

**Prior to Permit Issuance**

- A. Land Development Review (LDR) Plan Check
  1. Prior to the recordation of the public access easements or beginning of any construction related activity on-site, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to Southern Cottonwood Willow – Riparian Forest and Disturbed Riparian Woodland (refer to Table 1, *Mitigation Required for Project Impacts*) have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the (*Conceptual Mitigation Plan for the Town and Country Hotel Interim Parking Lot Expansion Project*), "Exhibit A" prepared by RECON Environmental, Inc. (dated Revised June 13, 2012 ~~September 18, 2010~~), the requirements of which are summarized below:

**Table 1**  
**Mitigation Required for Project Impacts**

Habitat Type	1:1 Restoration of Temporary Fill Area	Impact acres	Mitigation Ratio	Required Mitigation (acres)	Proposed Mitigation (acres)
<i>Southern Cottonwood Willow Riparian Forest</i>	0.36*	0.03 0.04	3:1	1.17 1.2	1.17 1.2
<i>Disturbed Riparian Woodland</i>	0.25*	0.34	3:1	0.75 1.02	0.75 1.02
<b>Total</b>	<b>0.61*</b>	<b>0.03 0.74</b>	<b>-</b>	<b>1.92 2.22</b>	<b>1.92 2.22</b>

\* The Restoration of the temporary fill areas do not count towards the mitigation requirements.

**B. Revegetation/Restoration Plan(s) and Specifications**

1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation



and the 120 day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:

- a. The RMC shall be responsible for the maintenance of the *wetland* mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a *weekly* basis throughout the plant establishment period.
  - b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.
  - c. MMC will provide approval in writing to begin the *five-year* long-term establishment/maintenance and monitoring program.
  - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
  - e. The revegetation site shall not be fertilized.
  - f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
  - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
  - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the *five-year* maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.
4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.

2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

### **Prior to Start of Construction**

- A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings
  1. Prior to beginning any work that requires monitoring:
    - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
    - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
    - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
  2. Where Revegetation/Restoration Work Will Occur
    - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11" x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
    - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.
  3. When Biological Monitoring Will Occur
    - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
  4. PQB Shall Contact MMC to Request Modification
    - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be

based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

### During Construction

- A. PQB or QBM Present During Construction/Grading/Planting
1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with (*construction*) which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.**
  2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
  3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
  4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
  5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (*MHPA*), as shown on the approved LCD.
  6. The PQB shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly
  7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVSR.

8. PQB shall verify in writing on the CSVR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
  9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.
- B. Disturbance/Discovery Notification Process
1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
  2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
  3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).
- C. Determination of Significance
1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action, which can include fines, fees, and supplemental mitigation costs.
  2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

### **Post Construction**

- A. Mitigation Monitoring and Reporting Period
1. *Five-Year* Mitigation Establishment/Maintenance Period
    - a. The RMC shall be retained to complete maintenance monitoring activities throughout the *five-year* mitigation monitoring period.
    - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
    - c. Maintenance activities will include all items described in the LCD.
    - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial

installation or establishment or maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring

- a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
- b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
- c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
- d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.
- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

C. Submittal of Draft Monitoring Report

1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control),

erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.

2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
6. MMC will provide written acceptance of the PQB and RE of the approved report.

D. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth year performance/success criteria and completion of the five-year maintenance period.
  - a. This report may occur before the end of the fifth year if the revegetation meets the fifth year performance /success criteria and the irrigation has been terminated for a period of the last two years.
  - b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.
  - c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

**BIOLOGICAL RESOURCES (GENERAL AVIAN)**

If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.

- A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
- B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

**BIOLOGICAL RESOURCES (RAPTOR)**

If project grading is proposed during the raptor breeding season (Feb. 1-Sept. 15), the project biologist shall conduct a pregrading survey for active raptor nests in within 300ft. of the development area and submit a letter report to MMC prior to the preconstruction meeting.

- A. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD of Entitlements shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
- B. If no nesting raptors are detected during the pregrading survey, no mitigation is required.

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



April 2, 2008

MEMBERS PRESENT

Paul Brown  
Nat Cohen  
Gina Cord  
Randall Dolph  
Wendy Ghiora  
Pat Grant  
Lisa Gualco  
Hank Hoxie  
Linda Kaufman  
Doris Payne  
Tom Sudberry  
Dottie Surdi  
Gail Thompson  
Bruce Warren  
Jennifer White

MEMBERS ABSENT

Mark Silverman

MEMBERS EXCUSED

Jason Broad  
Robert Doherty  
Emmett Durnan  
Christine Evans  
Alex Kacur  
Karen Ruggels  
John Tessier

CITY STAFF

Lisa Gonzales  
Brian Schoenfisch

STAFF

Rick O'Hannon

GUESTS

Lynn Mulholland  
Brian Gates  
Deborah Bossmeyer  
Richard Dhu  
Mary Johnson  
Marco Sessa  
Alan Grant  
Naomi Grant Bolonesi  
Christina Burhans

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Linda Kaufman, Chair, called the regular meeting of the Mission Valley Unified Planning Committee (MVUPC) to order at 12:09 p.m. at the Mission Valley Library located at 2123 Fenton Parkway.

A. **CALL TO ORDER**

Verify Quorum – 15 members were present, a quorum.

B. **PLEDGE OF ALLEGIANCE** – Doris Payne-Camp led The Pledge of Allegiance.

C. **INTRODUCTIONS** – Guests and members introduced themselves.

D. **MEMBERSHIP BUSINESS** – Lisa Gualco reported that there is a vacancy for a local business person and a resident position. The Roster is in the process of being updated.

E. **PUBLIC INPUT** – There will be a League of Woman Voter's "Civic Symposium" on the state of the City's finances on Thursday, May 1, from 5:30-8 p.m. at City Hall.

F. **TREASURER'S REPORT** – no report

G. **PUBLIC SAFETY REPORTS**

1. Police Department – Christina Burhans had nothing to report. Lisa Gualco, Property Manager at Hazard Center asked about any increases in car theft and reported an attempted gasoline theft at Hazard Center. Christina noted not to leave items worth stealing inside a vehicle.

2. Fire Department – no report

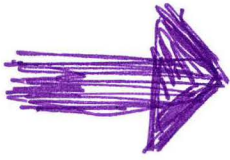
H. **NEW BUSINESS** –

1. South Mission Valley Trunk Sewer Update – Ali Mohammad, City of San Diego with Dwayne Abbee and John Harris

This is the reactivation of a project that was shelved due to budget constraints. The existing pipeline is in the river channel, so this project will move the pipeline plus increase its capacity. Approximately 3,000 feet of pipeline or one quarter of the original project is scheduled to begin in March of 2009 from Taylor Street to Hotel Circle.

Hank Hoxie recused himself for the next Agenda item.

2. Town and Country Parking Lot – Matt Peterson of Peterson and Price



Matt spoke to the Design Advisory Board (DAB) subcommittee on April 1<sup>st</sup>, which made recommendations. Bruce Warren moved to vote on the motion made at the DAB meeting by Allen Jones, seconded by Paul Dugas which, “recommends approval with the understanding that landscaping will be in accordance with City ordinances and other materials in accordance with the Executive Director of the River Park Foundation’s requirements and a provision be made for a ten foot wide pedestrian way on the south side as approved by the City.”

The motion passed 14-0-0 with 1 recusal.

3. Mission Valley Spring Hill Suites Project – Charlotte Baxter, Fisher Property Group

The revised project is a proposed hotel with 169 suites on the old Budget truck rental location. The DAB met on April 1<sup>st</sup> to discuss the changes and felt the project was on the right track with three issues still outstanding:

Front loading dock to only be used for light deliveries

Access stairs from river walk need to discourage unwanted visitors

Better landscaping for the interim undeveloped areas awaiting Interchange construction

Bruce Warren moved to accept the DAB motion proposed by Steve Kiss and seconded by Allen Jones that “recommends approval of the proposed plans in accordance with the above three comments and community use.” Randy Dolph seconded the motion. The motion passed 15-0-0.

#### I. OLD BUSINESS

1. Approval of March 5, 2008 Minutes:  
Lisa Gualco made a motion to approve the March 5, 2008 minutes. Gail Thompson seconded. The motion was approved 15-0-0.
2. Community Plan Update – Brian Schoenfisch - The City’s General Plan has been adopted, now funding of one to two million is needed for the Mission Valley Community Plan Update. There was discussion about the possibility of using North Bay Redevelopment money. It was suggested that letters to the Mayor and council members could generate action.
3. Fenton Tunnel Update – Brian Schoenfisch thanked the MVUPC for its letter to the Mayor’s office and to the property owners. The Mayor’s office has become a strong advocate and is working with the Police Dept. regarding various issues. The City Attorney’s office is drafting an agreement with the property owners regarding safety and maintenance issues. It’s hoped that the tunnel will open sometime in July. The MVUPC thanked Brian for his hard work on this issue.
5. Subcommittee Reports:
  - a. Design Advisory Board – Bruce Warren (see earlier presentations)
  - b. Transportation and Zoning/Community Plan Update – Karen Ruggels - no report
  - c. Stadium Committee – Randall Dolph - no report

Gail Thompson left the meeting.

- d. PAC Committee – Dottie Surdi - no report

- e. Mission Valley Community Council – The meeting in May will review “strong Mayor” concerns.
  - f. San Diego River Coalition – Nat Cohen - the 15<sup>th</sup> annual River Days celebration will be held May 10 & 11.
  - g. Community Planning Chairs – no report
  - h. Parks Subcommittee – no report, the next meeting will be held on Tuesday, May 6<sup>th</sup>.
6. Miscellaneous Mail – none

J. **GOVERNMENTAL STAFF REPORTS**

- 1. City Council Office – Lisa Gonzales reported that \$2 million was approved for a consultant for the San Diego River Park Master Plan. There will be a funding raiser for Habitat for Humanity on April 9, from 5-8 p.m.
- 2. Mayor’s Office – Denise Garcia
- 3. Senate Member’s Office – Deanna Spehn

K. **ADJOURNMENT** – There being no further business to be brought before the Committee, the meeting was adjourned at 1:25 p.m. The next meeting will be Wednesday, May 7, 2008, at 12:00 p.m. at the Mission Valley Library, Community Room.

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Dottie Surdi  
Secretary



THE CITY OF SAN DIEGO

DATE OF NOTICE: February 5, 2013

# NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

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<b>DATE OF HEARING:</b>	February 20, 2013
<b>TIME OF HEARING:</b>	8:30 A.M.
<b>LOCATION OF HEARING:</b>	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
<b>PROJECT TYPE:</b>	SITE DEVELOPMENT PERMIT with MITIGATED NEGATIVE DECLARATION; PROCESS 3
<b>PROJECT NO:</b>	<u>118318</u>
<b>PROJECT NAME:</b>	<u>TOWN &amp; COUNTRY PARKING LOT</u>
<b>APPLICANT:</b>	Town and Country Hotel and Resort
<b>COMMUNITY PLAN AREA:</b>	Mission Valley
<b>COUNCIL DISTRICT:</b>	District 6
<b>CITY PROJECT MANAGER:</b>	Jeannette Temple Development Project Manager
<b>PHONE NUMBER/E-MAIL:</b>	(619) 557-7908/jtemple@sandiego.gov

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As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Site Development Permit in connection with Planned Commercial Development/Conditional Use Permit (PCD/CUP) No. 88-0585 for a San Diego River restoration and enhancement project including a Covenant of Easement and the provision of an Easement for a future River Path, to abate code violations after the unauthorized paving of a 112 space parking lot. The Site Development Permit would allow the continued use of the paved parking lot, which has been found to be in conformance of the PCD/CUP. The site is located adjacent to the river at 500 Hotel Circle North in the MV-M/SP zone of Mission Valley Planned District and OF-1-1 zone within the Mission Valley Community Plan and Atlas Specific Plan areas.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services) or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

The certification of an Environmental Impact Report, adoption of a Mitigated Negative Declaration or Negative Declaration may be appealed to the City Council **after an appeal of the Hearing Officer's decision is heard by the Planning Commission**. All such appeals must be filed by 5:00 PM within ten (10) business days from the date of the Planning Commission's certification/adoption of the environmental document. Please do not e-mail appeals as they will not be accepted. The proper forms are available from the City Clerk's Office, located on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.  
Internal Order Number: 23427190



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

# Ownership Disclosure Statement

Project Title: TOWN AND COUNTRY HOTEL AND RESORT  
 Project No. For City Use Only: 118318

Project Address:  
 500 Hotel Circle North

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

Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

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

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

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

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

Project Title:	Project No. (For City Use Only)
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**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**


Corporation ( Limited Liability -or-  General) What State? Delaware EIN 87-0728774  
Corporate Identification No.

Partnership Calif. Sec. of State File # 200419410130

Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**  Yes  No

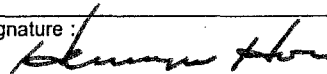
Corporate/Partnership Name (type or print):  
Town and Country Hotel, LLC  
 Owner  Tenant/Lessee  
500 Hotel Circle North  
Street Address:  
San Diego, CA 92108  
City/State/Zip:  
619-291-2232 619-291-4097  
Phone No: Fax No:

Henry W. Hoxie  
Name of Corporate Officer/Partner (type or print):  
Secretary  
Title (type or print):

Signature:  Date: 10/31/06

Corporate/Partnership Name (type or print):  
Atlas Hotels, Inc.  
 Owner  Tenant/Lessee  
500 Hotel Circle North  
Street Address:  
San Diego, CA 92108  
City/State/Zip:  
619-291-2232 619-291-4097  
Phone No: Fax No:

Henry W. Hoxie  
Name of Corporate Officer/Partner (type or print):  
Vice President Administration and Secretary  
Title (type or print):

Signature:  Date: 10/31/06

Corporate/Partnership Name (type or print):  
Town and Country Hotel, Inc.  
 Owner  Tenant/Lessee  
500 Hotel Circle North  
Street Address:  
San Diego, CA 92108  
City/State/Zip:  
619-291-2232 619-291-4097  
Phone No: Fax No:

Henry W. Hoxie  
Name of Corporate Officer/Partner (type or print):  
Vice President Administration and Secretary  
Title (type or print):

Signature:  Date: 10/31/06

Corporate/Partnership Name (type or print):  
  
 Owner  Tenant/Lessee  
  
Street Address:  
  
City/State/Zip:  
  
Phone No: Fax No:

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

Signature:   
 Date:

Corporate/Partnership Name (type or print):  
  
 Owner  Tenant/Lessee  
  
Street Address:  
  
City/State/Zip:  
  
Phone No: Fax No:

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

Signature:   
 Date:

Corporate/Partnership Name (type or print):  
  
 Owner  Tenant/Lessee  
  
Street Address:  
  
City/State/Zip:  
  
Phone No: Fax No:

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

Signature:   
 Date:

ATLAS HOTELS, INC.  
SUBSIDIARIES, OFFICERS AND DIRECTORS

1. **Atlas Hotels, Inc.** – is a Delaware Corporation. It manages/operates the Town and Country Resort & Convention Center, owns 100% of the common stock of Town and Country Hotel, Inc. and is 100% member of Town and Country Hotel, LLC.

Officers are:

C. Terry Brown	-	President, Chief Executive Officer and Chief Financial Officer
Charlene A. Brown	-	Vice President
James L. Oddo	-	Executive Vice President/Chief Operating Officer
C. Scott Brown	-	Vice President Information Technology
Henry W. Hoxie	-	Vice President Administration and Secretary
Michael H. McDowell	-	Vice President Corporate Affairs
Duke F. Sobek	-	Vice President – General Manager

- **Bella Tosca Day Spa and Salon** is a dba of Atlas Hotels, Inc.
- **Cresting Advertising** – an in-house advertising company.
- **Mutual Hotel Supply** is a California corporation which purchases certain equipment and supplies for the company. C. Terry Brown is Chief Executive Officer, President and Chief Financial Officer. Henry W. Hoxie is Secretary.
- **C. Terry Brown dba Design Construction Company.** Licensed General Contractor. (Not an Atlas Entity)

2. **Town and Country Hotel, LLC** is a Delaware limited liability company which owns the real property of the Town and Country Resort Hotel.

Officers are:

C. Terry Brown	-	President, Chief Executive Officer and Chief Financial Officer
James L. Oddo	-	Vice President
Henry W. Hoxie	-	Secretary

Directors are C. Terry Brown, Charlene A. Brown and Dominic Alessio

- **Town and Country Resort Hotel**
- **Town and Country Resort & Convention Center** are dbas of Town and Country Hotel, LLC.

3. **Town and Country Hotel, Inc.** is a California corporation which holds the liquor licenses at the Town and Country Resort Hotel.

Officers are:

C. Terry Brown	-	President, Chief Executive Officer and Chief Financial Officer and Sole Director
Charlene A. Brown	-	Vice President
Henry W. Hoxie	-	Vice President Administration and Secretary
Duke F. Sobek	-	Vice President
James L. Oddo	-	Vice President Marketing