



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: June 8, 2017 REPORT NO. PC-17-032

HEARING DATE: June 15, 2017

SUBJECT: TOWN AND COUNTRY. Process Five Decision

PROJECT NUMBER: [424475](#)

REFERENCE: [Planning Commission Report No. PC-15-012](#), Initiation of an Amendment to the Atlas Specific Plan and Mission Valley Community Plan (Town and Country site).

OWNER/APPLICANT: HOTEL CIRCLE PROPERTY, LLC, a Delaware Limited Liability Company

SUMMARY:

Issues: Should the Planning Commission recommend approval to the City Council of an application for redevelopment of an existing hotel and convention center with the addition of 840 residential units and accessory uses on a 39.72-acre site located at 500 Hotel Circle North in the Atlas Specific Plan and the Mission Valley Community Plan area?

Staff Recommendations:

1. Recommend the City Council CERTIFY Environmental Impact Report No. 424475/SCH No. 2015121066, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program;
2. Recommend the City Council ADOPT the Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan No. 1499940;
3. Recommend the City Council ADOPT the Rezone No. 1904698;
4. Recommend the City Council APPROVE Master Planned Development No. 1499941;
5. Recommend the City Council APPROVE Site Development Permit No. 1499942;
6. Recommend the City Council APPROVE Conditional Use Permit No. 1904584;
7. Recommend the City Council APPROVE Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945.

Community Planning Group Recommendation: On March 1, 2017, the Mission Valley Planning Group voted 18-0-0 to recommend approval of the project with the recommendations made by the Design Advisory Board. The recommendations made by the Design Advisory Board are attached to the community group minutes and the applicant has agreed to the recommendations (Attachment 25).

Environmental Review: An [Environmental Impact Report \(EIR\) No. 424475/SCH No. 2015121066](#), has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Housing Impact Statement: The site is located at 500 Hotel Circle North, north of Interstate 8, within the Mission Valley Community Plan area. The site is currently a hotel without any housing and existing regulations do not allow for the inclusion of housing on the site. Through a Community Plan Amendment and rezone, the project proposes the consolidation and renovation of an existing hotel complex, the construction of 840 new multi-family dwelling units, and the conservation and creation of open space. The development of the proposed project would open a new site for housing development and provide housing stock in a time when the City Council has determined that the City of San Diego is in a housing state of emergency. The project does not include onsite affordable housing, rather the applicant has elected to pay the in-lieu fee,

BACKGROUND

The 39.72-acre project site is located at 500 Hotel Circle North, and is bounded to the south by Hotel Circle North and Camino De La Reina, to the west by Fashion Valley Road, to the north by Riverwalk Drive and Fashion Valley Mall, and to the east by the former San Diego Union-Tribune property (Attachment 1-2). Interstate-8 is located immediately to the south of Hotel Circle North and Camino De La Reina. The majority of the site is in the MVPD-MV-M/SP zone of the Mission Valley Planned District (MVPD) with the northern portion of the site is zoned OF-1-1 (Open Space-Floodplain), and is within the [Mission Valley Community Plan](#) (MVCP) and the [Atlas Specific Plan](#) (Attachment 3-5). The site is also located within the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Airport Land Use Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2) as depicted in the adopted Airport Land Use Compatibility Plans (ALUCPs) and the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field. In addition, approximately 6.98-acres of the project are located within the City's Multiple Species Conservation Program (MSCP) Subarea, and a portion of the Multi-Habitat Planning Area (MHPA) bisects the northern portion of the Biological Study Area developed for the site. Environmentally Sensitive Lands are present on the site in the form of Sensitive Biological Resources and Floodplains.

The site currently includes over 30 buildings and structures totaling 909,257 gross square feet and consists of a hotel, restaurants, pools, a spa/salon, a convention center, and associated parking lots and parking structures. These buildings contain guestrooms, hotel guest services, support areas, convention facilities, food and beverage facilities, and parking garages. The site currently comprises 10 parcels and all parcels within the site are under a single ownership.

The project site includes two mid-rise hotel structures: the 10-story, 324-room Royal Palm Tower and the nine-story, 207-room Regency Tower, located in the central-north and northeast portions of the project site. The site also contains approximately 18 low-rise hotel structures distributed across the southeast quadrant and center of the project site, comprising approximately 423 hotel rooms. In addition, the project site contains eight structures designated as event facilities. The three largest, the Golden Pacific Ballroom, the Atlas Ballroom, and the Grand Exhibit Hall, occupy the western third of the project site. Three other event facilities occupy the center of the project site and two are also adjacent to low-rise hotel structures at the eastern portion of the project site.

A Historic Resource Technical Report (HRTTR) was required for the entire project site in order to determine whether or not historical resources are present, as required by [San Diego Municipal Code \(SDMC\) Section 143.0212](#) and CEQA. The [HRTTR](#) concluded that the project site contains one resource – the Regency Conference Center (historically known as the Le Baron Hotel Garden Ballroom) constructed in 1967 – which appears eligible for individual listing under California Register of Historic Resources (CRHR) Criterion 3 and City of San Diego Historical Resources Board (HRB) Criterion C. This building will be demolished as part of the proposed project. The property was forwarded to the City's HRB for review and consideration in accordance with municipal code requirements as discussed in the "Project Related Issues" section of this report; and project impacts related to historical resources are addressed in the EIR, as summarized in the "Environmental Analysis" section of this report.

The project site includes a three-level parking structure located in the northeast corner and asphalt-paved parking areas to the north and south. Other miscellaneous facilities include three restaurant buildings, a laundry facility located in the central-east portion of the project site, and a vehicle wash area along the eastern edge of the project site. A pedestrian bridge crosses the San Diego River on the northern portion of the site provides access to Fashion Valley Mall and the Fashion Valley Transit Center, which includes the San Diego Trolley stop (Green Line) and seven bus stops (Bus Routes 6, 20, 25, 41, 88, 120, and 928). The project site is predominately south of the San Diego River with a small area of development at the northwest corner, north of the San Diego River.

The topography of the project site is relatively flat and ranges from an elevation of about 19 feet above mean sea level (AMSL) to about 29 feet AMSL. The northern portion of the project site is within the Federal Emergency Management Agency (FEMA) Regulatory Floodway of the San Diego River (FIRM Map Number 06073C1618G, revised May 16, 2012). The floodway covers the northern 13.31-acres of the project site. Existing wetland buffers and habitat areas cover approximately 7-acres. The majority of this area is undeveloped open space, and a portion is currently developed as parking in support of the hotel and convention center. The project site is entirely within the floodplain of the San Diego River (Zone AE). The project site's drainage is split discharging north directly into the San Diego River and to the south to catch basins in the public right-of-way and into a conveyance system that extends to the San Diego River.

The project site is surrounded predominantly by developed commercial space and north of the project site, north of the San Diego River, is Fashion Valley Mall. To the south and east of the project site, there is more retail development, hotel facilities, and office light industry space. To the west of the project is the Riverwalk Golf Club. The San Diego Metropolitan Transit System (MTS) Fashion Valley Transit Center is also located immediately to the north of the project site across Riverwalk Drive adjacent to Fashion Valley Mall. The project site is connected to the MTS Fashion Valley Transit Center via the pedestrian bridge over the San Diego River. The transit center comprises a hub for bus routes that link to a light rail station on elevated tracks. There are MTS bus stops located along the project frontage on Hotel Circle North and Fashion Valley Road.

Currently, bicycle facilities adjacent to the site consist of a Class III Bike Route designation on Camino De La Reina continuing on Hotel Circle North and Fashion Valley Road. In addition, the San Diego River Pathway includes a 14-foot-wide dedicated Class I bicycle and pedestrian pathway on the north side and south side of the San Diego River. In addition, bike lanes are provided on Hotel Circle South and for a short distance on Hotel Circle North just west of the Interstate-8 underpass.

The project site is subject to Planned Commercial Development/Conditional Use Permit No. 88-0585, approved on September 6, 1989, which allowed the expansion of an existing hotel and convention facility within specified phases in accordance with the Atlas Specific Plan (Attachment 7). The project is also subject to Site Development Permit No. 400602 (Project No. 118318), approved in February 20, 2013. This Site Development Permit was to address the prior unauthorized construction of a 112-space paved parking lot along with remediation and mitigation for the unauthorized placement of soil into sensitive biological resources during the unauthorized construction (Attachment 8). This is subject to the terms and conditions set forth in the Stipulation In Full Settlement for Final Judgment of Permanent Injunction; Judgment Thereon, Case No. GIC880884, dated March 22, 2007, Superior Court (Attachment 9).

DISCUSSION

Project Description:

The project proposes the consolidation, renovation, and infill redevelopment of the 39.72-acre Town and Country Hotel and Convention Center site. The project would implement a Master Plan (Attachment 27) that would guide the redevelopment of the site consisting of three project districts (River Park District, Hotel District and Residential District). Critical proposed elements of the Master Plan include the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet); construction of a total 840 residential units with incorporated parking structures on four lots; restoration of the San Diego River open space habitat; development of a new passive public park; and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center. The following table provides a summary of the Master Plan components, which are further discussed in the subsequent sections below.

Project Development Summary				
Project Element	Description	Project Site Acreage	Target Dwelling Units	Approximate Parking Spaces
Creation of Three Districts (Park, Hotel, and Residential)				
<i>River Park District</i>	<ul style="list-style-type: none"> Creation of 8.1-acres of restored riverine open space habitat. Construction of approximately 3.31-acres of new passive public parkland. Creation of 14-foot-wide San Diego River Pathway located within floodway open space. 	11.57	-	-
<i>Hotel District</i>	<ul style="list-style-type: none"> Consolidation and upgrade of Town and Country Hotel and Convention Center. Reduction in hotel rooms and Convention Center facilities (954 to 700 guest rooms). Construction of a new lobby, food and beverage facilities, water amenity, and loading dock. Provision of water-wise landscaping. Construction of a new four-story parking structure providing 467 parking spaces with architectural shade structures that cover 50-percent of each rooftop parking space. Minor interior and exterior improvements to the Royal Palm Tower. 	16.89	-	921
<i>Residential District</i>	<ul style="list-style-type: none"> Construction of four new residential parking structures providing a total of approximately 1,287 parking spaces (see details below). Architectural shade structures shall be provided which cover 50-percent of each rooftop parking space. Provision of 840 multi-family dwelling units configured in four residential lots: 	7.7	840	1287
	<i>Residential Lot 1</i>	1.81	160	224
	<i>Residential Lot 2</i>	2.53	275	443
	<i>Residential Lot 3</i>	1.99	255	410
	<i>Residential Lot 4</i>	1.37	150	210
Total		7.7	840	1287
Vehicular and Pedestrian Access				
<i>External Street Improvements</i>	<ul style="list-style-type: none"> Improvements to Hotel Circle North and Camino De La Reina. 	-	-	-
<i>Internal Street Improvements</i>	<ul style="list-style-type: none"> Provision of internal private drive (Private Drives A through Private Street E) in the Residential and Hotel Districts. The internal streets would feature trees, landscape areas, and sidewalks. 	2.43	-	-
Zoning				

Project Development Summary				
Project Element	Description	Project Site Acreage	Target Dwelling Units	Approximate Parking Spaces
<i>Zoning</i>	<ul style="list-style-type: none"> The zoning for the River Park District is Open Space-Floodplain (OF-1-1). The new zoning for the development area is MVPD-MV-M. The Residential District will be developed consistent with the MVR-5 zone and the Hotel District will be developed consistent with the MV- CV zone per the Master Planned Development Permit. 	-	-	-
Other Proposed Improvements				
<i>ROW Dedication</i>	• Hotel District Fashion Valley Road right-of-way (ROW) dedication as shown on the VTM	0.25	-	-
	• Residential District Hotel Circle North and Camino De La Reina ROW dedication as shown on the VTM	0.88	-	-
TOTAL		39.72	840	2208

River Park District:

Habitat Enhancement/Restoration- One element of the River Park District is the proposed restoration and enhancement of approximately 8.1-acres of native habitat, including 6.98-acres located within the MHPA. This includes 2.53-acres of restoration and enhancement to riparian habitat and the addition of a 0.23-acre coastal sage scrub strip, as required by Mitigated Negative Declaration No. 118318 and Site Development Permit No. 400602, which has been incorporated into the project through the amendment of the Site Development Permit pursuant to [SDMC Section 126.0113\(d\)](#). The remaining 5.35-acres includes the restoration and enhancement of riparian habitat, the addition of coastal sage scrub, and the restoration of oak woodland habitat, beyond the requirements of Site Development Permit No. 400602. Additionally, the habitat area would be enclosed by a fence, which would provide access points for maintenance of habitat and existing San Diego River drainage structures. The project would increase the width of native habitats at the most constricted section of the San Diego River from approximately 80 feet up to 210 feet, and would establish a 30-foot wetland buffer and a variety of Low Impact Development (LID) strategies directly adjacent to the riparian corridor.

Population-Based Public Park- The Recreation Element of the City's General Plan establishes a minimum standard of 2.8-acres per 1,000-people for population-based parks. With the application of the multi-family vacancy rate, the project is required to provide 3.31-acres of population-based parks. In compliance with the San Diego River Park Master Plan, the park space would be designed for passive recreation. Park space may include passive lawn areas, and signage and benches along the San Diego River Pathway for wildlife viewing and educational purposes, as well as resting points along the trail. The park space also includes the improvement of an existing picnic area that is currently located within the MHPA. The City of San Diego Park and Recreation Board recommended approval of a General Development Permit (GDP) for the park on January 19, 2017. Consistent with the GDP, the portion of the site delineated for the population-based public park shall be within a

recreation easement.

Creation of a River Pathway- The River Park District would include a 14-foot-wide San Diego River Pathway (10-foot-wide concrete path with 2-foot-wide decomposed granite on each side). The project's proposed San Diego River Pathway would be located entirely within floodway open space in the River Park District south of the San Diego River. The conceptual alignment of the San Diego River Pathway is not separately delineated from river corridor because it is entirely within floodway open space, which constitutes the full extent of the river corridor. Therefore, the 200-foot River Influence Area is delineated from southern extent of floodway open space.

The conceptual alignment of the San Diego River Pathway would align with the Pathway to the east on the former San Diego Union-Tribune property, through the passive population based park, and connect to the pedestrian bridge that crosses the San Diego River. The San Diego River Pathway would also be constructed on-site parallel to the northern property line on the north side of the San Diego River outside of the MHPA area. Pedestrian access would be provided and would align with sidewalk ramps at the intersections along Riverwalk Drive.

The River Park District would result in approximately 2,500 linear feet of San Diego River Pathway plus interconnecting pedestrian trails, adding to the emerging pathway system along the San Diego River and providing a variety of trail experiences. The San Diego River Pathway would also include new lighting and a fence (two-rail peeled log with a maximum height of 42-inches) along Riverwalk Drive to keep cars from driving and parking in this area. The design for the San Diego River Pathway unpaved portion includes planting of native flora.

The existing pedestrian bridge over the San Diego River would be replaced by a multi-use bridge in the existing location and at the same elevation (the existing substructure and foundation would support the new bridge). The new multi-use bridge, suitable for use by both pedestrians and bicycles, would be 10 feet wide and allow users of the San Diego River Pathway to cross from one side of the river to the other.

A proposed storm water treatment system to be located adjacent to the River Park District would provide a separate system for new development, while maintaining the existing storm drain infrastructure required for the existing hotel areas. The storm drain design would include two separate systems. One system would serve the Residential District, which would treat storm water on-site before it discharges into the collection system. The second system would serve the renovated hotel development, including parking structure, café, lobby, and restaurant buildings. This system would be treated at the biofiltration basin adjacent to the habitat area north of Residential Lot 4. This biofiltration basin would be connected to the clean water system near the existing outfall to the river.

Parking- Approximately 145 existing parking spaces north of the San Diego River and 271 spaces south of the San Diego River, a total of 416 spaces, will be eliminated. These eliminated parking areas would be improved and incorporated into the River Park District.

Access to River Park District- The proposed multi-use bridge would provide a direct link between the project site and the MTS Fashion Valley Transit Center. In addition, the River Park District would include linkages to the Hotel and Residential District with pedestrian and bicycle access ways.

Hotel District:

Hotel and Convention Center Renovations- The approximately 16.89-acre Hotel District would be located in the central and northwestern portions of the site. Implementation of the Hotel District involves renovation of portions of the existing Town and Country Hotel and Convention Center buildings, while demolishing other hotel buildings to accommodate completion of new hotel facilities and residential uses. The hotel capacity would be reduced from 954 to 700 guest rooms and the conference facilities would be reduced from 212,762 to 177,137 gross square feet

An approximately 11,400-square-foot new hotel lobby is a key element of the Hotel District. Additional new buildings include a restaurant, café, and a four-story parking structure (approximately 145,600 square feet). These areas, along with select hotel services, would be available to residents in the Residential District, providing a central gathering place for the community.

Royal Palm Tower- The Royal Palm Tower would receive minor interior and exterior renovations. The interior renovations are on-going and would include updating and modernizing the existing hotel rooms. The exterior improvements include painting the 10-story building façade with a graphic design of colors and patterns to increase its visual interest and perceived depth. This treatment would break up the monolithic visual mass of the existing building and provide an updated appearance that echoes the new overall design theme of the Hotel District. In addition, the porte cochere at the building's main entrance facing the park and river open space, would be renovated and directly connect to a landscaped corridor in the River Park District, leading to the pedestrian bridge over the San Diego River. To further activate uses along the River, the existing loading dock at the northern end of the Convention Center would be replaced with an exterior function area for the Golden Pacific Ballroom. This proposed elevated terrace would have views of the passive public park and riparian open space.

Parking- The total parking for the renovated hotel and convention center would be approximately 921 parking spaces. This includes approximately 185 existing surface parking spaces north of the Royal Palm Tower and the existing subterranean parking under the convention center, and a new four-story 145,600-square-foot hotel parking structure proposed north of Residential Lot 1. The project provides a parking ratio of approximately 1.31 spaces per room, which is slightly less than the current on-site ratio of approximately 1.4 spaces per room.

Access- Primary access to the Hotel District would be provided via a new entryway (Private Drive A) from Hotel Circle North to an arrival courtyard at the new hotel lobby. Private Drive A would also directly connect to the new hotel parking garage adjacent to the arrival courtyard.

Residential District:

Multi-Family Dwelling Units- The approximately 10.13-acre Residential District would be located along both the southern and eastern edges of the project site. The project involves demolition of 27 existing structures and on-site surface parking areas. The residential project would have structures approximately 85 feet in height and include up to 840 multi-family dwelling units. The residential buildings would be designed to be consistent with U.S. Green Building Council Leadership in Energy and Environmental Design (USGBC LEED) Silver standards or equivalent. The residential land uses

would be configured as four lots located in the southern and eastern portions of the site, Residential Lot 1 through Residential Lot 4.

- Residential Lot 1 would be developed as a 1.81-acre parcel located at the corner of Fashion Valley Road and Hotel Circle North. The proposed structure would consist of approximately 160 dwelling units.
- Residential Lot 2 would be developed as a 2.53-acre parcel located at the corner of Hotel Circle North and Private Drive A. The proposed structure would consist of approximately 275 dwelling units and parking.
- Residential Lot 3 would be developed as a 1.99-acre parcel located north of Lot 2 and west of Private Drive D. The proposed structure would consist of approximately 255 dwelling units and parking.
- Residential Lot 4 would be developed as a 1.37-acre parcel located north of Lot 3, the Regency Tower, and Private Drive E and west of Private Drive D. The proposed structure would consist of approximately 150 dwelling units and parking.

The anticipated building construction types would be either “podium” or “wrap” style. A podium configuration generally consists of residential units built on top of a parking structure. A wrap configuration partially conceals the sides of a freestanding, connected parking structure with residential units.

Parking- The Residential District would include construction of four new parking structures to yield a total of approximately 1,287 parking spaces.

Access- Vehicular and pedestrian movement would be accommodated throughout the project site, allowing internal movement between the commercial and residential elements of the private drives. The project would include construction of five private driveways that would provide access to the hotel, convention center, and residential parcels. The internal driveways are easements that would feature trees, landscape areas, and noncontiguous sidewalks to enhance the sense of place and pedestrian scale.

Phasing Plan:

The project would be implemented in phases as outlined within the Master Plan to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit “A” and Section 3.3 in EIR No. 424475/SCH No. 2015121066. The following tables are summaries of the phasing:

Summary of Hotel Demolition, Construction and Renovation for Phase I			
Building	Hotel Units	Approximate Parking Spaces	Building Footage/Acres
Demolition			
Hotel Rooms	254		74,078
Convention Space			35,625
Food and Beverage Buildings			25,625

Summary of Hotel Demolition, Construction and Renovation for Phase I			
Building	Hotel Units	Approximate Parking Spaces	Building Footage/Acres
Demolition			
Hotel support			6,064
Spa and Guest Services			26,597
Parking Structure		182 spaces	63,500
Surface Parking		601 spaces reduced to 185 spaces; reduction of 416 spaces	-
Demolition Total	254 Hotel Rooms	598 Spaces	231,489
Renovation			
Convention Center	177,137		
Hotel Rooms	700		
Construction			
Lobby			11,400
Restaurant			11,500
Café			1,300
Hotel Parking Structure		467	145,600
Public Park			3.31-ac.
San Diego River Pathway and River Restoration			
Construction Total	-	467	168,503 sq. ft./3.31 ac.

Summary of Residential District Construction Activities for Phase I			
Building	Residential Units	Approximate Parking Spaces	Building Square Footage
New Construction			
Residential Lot 1	160		128,000
Residential Lot 2	275		220,000
Parking Structure (Residential Lot 1)		224	87,000
Parking Structure (Residential Lot 2)		443	171,000
Internal Private Drives and site landscaping			
Construction Total	435	667	606,000

Summary of Residential District Construction Activities for Phase II			
Building	Residential Units	Approximate Parking Spaces	Building Square Footage
New Construction			
Residential Lot 3	255		204,000
Residential Lot 4	150		120,000
Parking Structure (Residential Lot 3)		410	162,500
Parking Structure (Residential Lot 4)		210	63,500
Construction Total	405	620	550,000

Required Approvals:

Due to process consolidation, all actions are processed concurrently as a Process Five. Development of the proposed project requires:

- Process Five Land Use Plan Amendment to amend the Atlas Specific Plan to remove the project site from the Specific Plan; to amend the Mission Valley Community Plan to remove the project site from the Atlas Specific Plan and to reflect the land use change from Commercial Recreation to Multi Use to implement the rezone noted below; and General Plan to remove the project from the Atlas Specific Plan and to update the Mission Valley Community Plan;
- Process Five Rezone to rezone the property from the MVPDO zone of MVPD-MV-M/SP to MVPD-MV-M and portion of the OF-1-1 to MVPD-MV-M;
- Process Four Master Planned Development Permit in accordance with [SDMC Section 143.0480](#) for the adoption of a Master Plan, to amend Planned Commercial Development No. 88-0585 to remove conditions pertaining to the Atlas Specific Plan and to incorporate the Planned Commercial Development within the new Master Planned Development Permit, and for deviations to the development regulations;
- Process Four Site Development Permit to amend Site Development Permit No. 400602 (Project No. 118318) to incorporate Site Development Permit No. 400602 requirements within the new Site Development Permit, and for development on a site that contains environmentally sensitive lands; and a Process Three Site Development Permit for development within the MVPD-MV-M Zone and for development that includes structured parking;
- Process Four Conditional Use Permit to amend Conditional Use Permit No. 88-0585 to remove conditions of approval pertaining to the Atlas Specific Plan, and to incorporate the existing convention center and exhibit hall uses within the new Conditional Use Permit. The existing convention center and exhibit hall requires a Conditional Use Permit in accordance with [SDMC Section 141.0409](#);
- Process Four Vesting Tentative Map and Easement Vacation for a nine lot subdivision and vacation of one public utility easement as noted on Vesting Tentative Map drawings (Attachment 28).

With the approval of the above action, the new Master Planned Development Permit and Conditional Use Permit supersedes Planned Commercial Development/Conditional Use Permit No. 88-0585, and the new Site Development Permit replaces and supersedes Site Development Permit No. 400602.

Project-Related Issues:

Deviations- An applicant may request deviations from the applicable development regulations pursuant to a Planned Development Permit in accordance with [SDMC Section 126.0602\(b\)\(1\)](#), provided that findings can be made and the deviation results in a more desirable project. The following table is a matrix of the proposed 19 deviations, code sections, and justifications, which are also outlined in Section 7.10 of the Master Plan:

Deviations Summary		
Project Element	Deviation Description	Deviation from SDMC and Justification
<i>Open Space-Floodplain</i>	1. Minimum Lot Area within the OF-1-1 zone	Section 131.0231 and Table 131-02C , which requires a minimum lot area of 10-acres. This request allows the project a lot area of 1.70-acres for Lot B, 8.26-acres for Lot C, and 1.61-acres for Lot D.
	2. Minimum Lot Width within the OF-1-1 zone	Section 131.0231 and Table 131-02C , which requires a minimum lot width of 500 feet. This request allows the project a lot width of less than 500 feet for Lots C and D (lot width varies).
	3. Street Frontage within the OF-1-1 zone	Section 131.0231 and Table 131-02C , which requires a minimum street frontage of 500 feet. This request allows the project a minimum street frontage less than 500 feet for Lot C and Lot D
	4. Lot Depth within the OF-1-1 zone	Section 131.0231 and Table 131-02C , which requires a minimum lot depth of 500 feet. This request allows the project a minimum lot depth of less than 500 feet for Lot B from Private Drive E.
<i>River Park District</i>	5. Structures within Floodways	Section 143.0145(e)(2) , which does not permitted permanent structures within the floodway. This request allows for specific existing permanent structures, specific improvements associated with the passive public park, Private Drive E and associated directional signage within the floodway.
	6. Flowage Easement	Section 143.0146(a)(4) , which requires that a flowage easement to the City shall be granted for that portion of the property within a floodway. This request allows the existing hotel/convention center structures that are located within the currently defined floodway to be outside of the flowage easement.
	7. River Corridor Area	Section 1514.0302(c) , which requires the alignment of the River Pathway to be within the Path Corridor. This request allows the following within the River Corridor Area: Existing Hotel buildings with certain improvements that includes parking and Private Drive E, River Pathway outside of the Path Corridor and within Floodway, construction of new residential building and site improvements on Lot 4 within the Path Corridor, and shielded lighting along River Pathway within Floodway directed away from river and Multi-Habitat Planning Areas.
	8. River Influence Area Lot Coverage	Section 1514.0302(d)(1) , which requires a maximum of 65-percent lot coverage for any development on a lot wholly or partially within 115 feet of the River Corridor Area. This request allows the project an 85-percent lot coverage for development on Residential Lot 4.

Deviations Summary		
Project Element	Deviation Description	Deviation from SDMC and Justification
	9. River Influence Area Building Height	Section 1514.0302(d)(2) , which requires a series of tiers that establish a minimum set back and maximum building height from the River Corridor Area per SDMC Table 1514-03C and Diagram 1514-03C . This request allows the project to use the same setbacks and height within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area.
	10. River Influence Area Massing	Section 1514.0302(d)(2) , which requires a maximum massing setback from the edge of the River Corridor Area per SDMC Table 1514-03C . This request allows the project to use the same maximum massing setback within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area.
	11. Fences	Section 1514.0302(d)(13) limits fences within 10 feet of outer limit of River Corridor Area. This request allows the proposed fences for Residential Lot 4 building entrances and terraces, and along Riverwalk Drive within River Corridor Area.
	12. Sidewalks/Parkways	Section 1514.0402(b)(1) , which requires minimum average widths for sidewalks and parkways per SDMC Table 1514-04A . This request allows for an 8-foot clear corridor sidewalk and a 6-foot landscaped parkway along Fashion Valley Road (new construction only) and Camino de la Reina, and 10-foot multi-modal River Pathway in lieu of pedestrian sidewalk on south side of the Riverwalk Drive.
Residential District	13. Street Frontage	Section 1514.0304(d)(1) , which requires a minimum of 70 feet of public street frontage. This request allows for no public street frontage for Lot 3 and 4, since Lot 3 would provide a 366-foot private drive frontage and Lot 4 would provide a 448-foot private drive frontage.
	14. Street Yard Area	Section 1514.0304(e)(1) , which requires a minimum street yard area of 25 feet multiplied by the street frontage length plus an incremental factor of 0.25 feet for each foot of building elevation over 24 feet. This request allows for a minimum 15-foot street yard area x length of street frontage for new construction.
	15. Parking and Building Setbacks and Incremental Building Setback	Section 1514.0304(e)(2) and (3) , which requires incremental setback for the street, side, and rear setbacks per SDMC Table 1514-03H . This request allows for Lot 1 a 10-foot side yard setback with no

Deviations Summary		
Project Element	Deviation Description	Deviation from SDMC and Justification
		additional incremental setback along the eastern side yard, and for Lot 2, Lot 3, and Lot 4 a 10-foot side yard setback but no additional incremental setback along eastern and western side yards, except Lot 3 has a 5-foot side yard setback along eastern side yard. In addition, the request allows for Lots 1, 2, and 3 a 10-foot rear yard setback with no additional incremental setback, and for Lot 4 a 10-foot rear yard setback facing river with incremental setback as illustrated in Master Plan Figure 5-2.
	16. Exterior Usable Open Space	Section 1514.0304(f)(2) , which requires a minimum of 156 square feet of usable open area per dwelling unit. This request allows for a minimum 100 square feet of usable open area per dwelling unit, including exterior and interior usable common active or passive recreation space.
	17. Structural Development Coverage	Section 1514.0304(g) , which allows a maximum of 50-percent structural development coverage. This request allows for a 55-percent maximum structural development coverage (calculated over gross acreage of residential zone).
Hotel District	18. Maximum Structural Coverage	Section 1514.0304(g) , which allows a maximum of 50-percent structural development coverage. This request allows for a 60-percent structural development coverage, excluding any fence wall, retaining wall, pier, post, sign, parking space, terrace, deck, paved area, pool cabana, spa, or swimming pool.
	19. Yards and Setback Requirements	Section 1514.0305(e)(1) , which requires a minimum 20-foot street yard factor x length of street frontage, and a building setbacks of 15 feet street yard, 10 feet side yard, and 15 rear yard. All setbacks have additional incremental setback of 0.2 feet for every foot of building elevation of 24 feet. This request allows for a minimum 15-foot street yard factor and a 10-foot side yard factor multiplied by the length of street frontage for new construction. In addition, the request allows for a side yard and rear yard building setback of 10 feet with no additional incremental setback.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing underutilized hotel structure for residential use, while meeting the purpose and intent of the development regulations. Other than the requested

deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC. In addition, the proposed development will assist in accomplishing the goal of the City by providing market-rate housing opportunities in transit-friendly areas near employment centers.

Climate Action Plan (CAP) Consistency- A CAP Consistency Checklist was prepared by the applicant and the project was determined to be in conformance with the CAP. CAP Implementation Strategies, include roofing materials on the residential structures and a 12,800-square-foot food and beverage facility with a solar reflectance index (SRI) greater than the values specified in the voluntary measures under California Green Building Code (CALGreen Code) and listed in Attachment A of the Checklist. The proposed project would also install approximately 372 solar photovoltaic panels on the roof of the residential structures. The project has been designed to have an energy budget that shows a 10-percent energy improvement to the Title 24, Part 6 Energy Budget for the residential buildings. This energy demand reduction will be provided through a combination of on-site renewable energy generation (photovoltaic) and energy performance design elements, and will achieve a LEED Silver certification. The project conserves water by using low-flow fixtures/appliances for the residential buildings. The project proponent would implement a Transportation Demand Management (TDM) program that would include a measure for charging station(s) for electric vehicles. The project would include a 3-percent of the total 1,287 parking spaces, or 39 parking spaces, equipped with a listed cabinet, box or enclosure connected to a conduit linking the parking spaces with the electrical service. Of those 39 parking spaces, the project would include 20 parking spaces with the necessary electric vehicle supply equipment installed to provide active electric vehicle charging stations ready for use by residents. The project is located adjacent to the Fashion Valley Transit Center, which includes the San Diego Trolley stop (Green Line) and seven bus stops (Bus Routes 6, 20, 25, 41, 88, 120, and 928). The proposed project would implement the General Plan's City of Villages strategy in an identified Transit Priority Area that will result in an increase in the capacity for transit-supportive residential densities by providing a new land use designation that would support new higher density residential development, creating an urban transit oriented development (TOD) on a re-developable site.

Historical Resources Board Determination- On March 24, 2016, the HRB reviewed the HRTR and considered the designation of the property, in accordance with SDMC Section 143.0212. The City's historic resources staff concurred with the conclusion of the HRTR and recommended designation of The Le Baron Hotel Garden Ballroom (also known as the Regency Conference Center) as a historical resource with a period of significance of 1967 under HRB Criterion C, as outlined in the Report to the Historical Resources Board, [Report No. HRB-16-009](#). The staff recommendation for designation was limited to The Le Baron Hotel Garden Ballroom, and excluded all other buildings on the parcel, as well as all other parcels on the Town and Country site. The Board's motion to approve the staff recommendation failed in a vote of 5-3-0. A second motion by the Board to designate other buildings on site under other designation criteria also failed in a vote of 4-4-0, as outlined in the [Board minutes](#). None of the existing structures on the project site were designated by the City's HRB as a historical resource, and as a result a Site Development Permit for demolition of a designated historic resource is not required. However, a resource need not be designated on a local register in order to be considered historically significant for the purposes of CEQA. Therefore, because the HRTR concludes that the project site contains a resource eligible for listing on both the State and Local Registers, impacts to historical resources must be addressed in the EIR.

Floodway- Development within the floodway is restricted as its preservation as an open corridor is critical for continued passage of flood waters. There are several requirements and restrictions imposed on any proposed improvements within the floodway by the Code of Federal Regulations sections related to FEMA as well as the SDMC. Per the SDMC, development in the regulatory 100-year floodway is prohibited “unless certification by a registered professional engineer is provided demonstrating that encroachments will not result in any increase in flood levels.”

The existing site conditions include surface parking within the floodway. The project proposes to retain a portion of the surface parking and develop the remainder of this area with public recreation facilities including a new public park with trails and passive recreation areas. No habitable structures nor structures that would result in any increase in flood levels are proposed within the regulatory 100-year floodway. Therefore, the parking and recreation uses are allowed within the regulatory 100-year floodway.

Floodplain. The remaining portion of the project site is currently within the 100-year floodplain Zone AE. There are several restrictions regarding floodplain development, including finished floor elevation requirements. The SDMC requires the lowest floor of a habitable structure, including the basement level, to be two feet above the Base Flood Elevation (BFE) (water surface elevation for a 100-year flood event).

The project proposes to construct all new residential structures and new hotel buildings such that the lowest finished floor elevation of all new habitable structures is two feet or more above the BFE. The project proposes to construct all new residential parking structures attached to habitable structures such that the finished floor elevation of the lowest level of parking structure is at or above the BFE per FEMA requirements.

The project proposes to construct a new parking structure for hotel use that is not attached to any habitable structures. The finished floor elevation of the lowest level of parking of this structure is below the BFE but includes flood proofing measures and elevation of electrical equipment above BFE; thus it is permitted per FEMA requirements.

To accommodate the construction of new structures within the floodplain, on March 15, 2017, FEMA issued a Conditional Letter of Map Revision (CLOMR) for the project (Attachment 12), and will go through the second step, the Letter of Map Revision (LOMR) process after the construction phase. The FEMA process is summarized as follows:

- Conduct hydraulic analysis of the existing conditions of the San Diego River regulatory floodway and flood plain with proposed improvements.
- Obtain approval of the analysis from the City of San Diego.
- Submit approved analysis to FEMA.
- Obtain a CLOMR from FEMA before commencement of site construction.
- Complete construction of the site.
- Conduct a final hydraulic analysis and prepare a hydrology report including a topography map illustrating the as-built contours and the new BFEs.
- Submit the report to FEMA.
- FEMA approves report and issues the LOMR.

Upon approval, the FIRM map will be updated and certain portions of the site that will be raised above the adjusted BFE will be mapped in Zone "X" and deemed to be no longer within the 100-year floodplain. No certificates of occupancy will be granted or bonds released for the development associated with this project until a LOMR is obtained from FEMA.

Community Plan Analysis:

The project site is within the MVCP, the City's adopted land use plan for this area. The MVCP designates the property as Commercial Recreation. The property is zoned MV-M/SP, in anticipation that the property would develop with multiples uses through a Specific Plan. In 1988, the City approved the Atlas Specific Plan, which included the subject property as the "Town and Country" site. The Atlas Specific Plan allows for an additional 1,340 hotel rooms and 171,000 square feet of banquet facilities on the Town and Country site beyond existing development, for a total of 2,300 hotel rooms and 229,000 square feet of banquet facilities.

The Atlas Specific Plan sought to leverage the development of seven noncontiguous properties, which were all owned by the Atlas Hotel Group. The plan was designed to coordinate their development, including a phasing of public facilities to support the planned development. Since the adoption of the Atlas Specific Plan, the Atlas Hotel Group filed for bankruptcy and as a result of that action all seven properties in the Atlas Specific Plan were sold to different owners. With the properties under separate ownership, the realization of the Atlas Specific Plan is likely no longer feasible because the plan relied on coordinated phasing across the properties to be economically viable. In recognition that this plan will never come to fruition, City staff recommended to the applicant to prepare a community plan amendment to remove the subject property from the Atlas Specific Plan, amend the land use designation to Multi-Use, and request a rezone of the property to the Multiple Use zone, which is the zone consistent with the Multi-Use designation in the MVCP.

The primary basis for analyzing development intensity according to the MVCP is trip generation. The MVCP divides the community plan area into 13 development intensity districts (DIDs) and assigns allowable trip generation rates (in terms of trips/acre) to each DID. The project site is located within the "C" DID, which allows for 417 gross trips per acre. Projects that exceed the threshold of 417 ADT per gross acre are required to be processed as a Community Plan Amendment and must also submit a traffic study identifying the traffic impacts and mitigation required by the project as well as an environmental study prepared in accordance with the California Environmental Quality Act. The proposed project totals 405 gross trips per acre, which is below the 417 trip threshold. Therefore the project is consistent with the development intensity provisions of the MVCP.

The 1985 MVCP calls for the creation of a "natural appearing soft-bottomed floodway," which consists of a major flood control facility to contain a 100-year frequency flood (based on 49,000 cfs) and low-flow pilot channel to contain a 10-year frequency flood (4,600 cfs). This recommendation is challenging to implement post the adoption of the 2013 San Diego River Park Master Plan (SDRPMP), which was incorporated into the Open Space Element of the MVCP. The design regulations of the SDRPMP discourage the use of long, continuous manufactured slopes with hard edges as envisioned in 1985. The current San Diego River main channel corridor is naturally-lined along the site and supports mature native riparian vegetation currently impacted by invasive non-native species. The corridor and habitat will be maintained by the project in order to minimize adverse impacts to existing vegetation and wildlife, while enhancing the existing habitat to increase habitat functions

and values. The project will also remove some of the adjacent parking areas resulting in 8.1-acres of restored riverine open space habitat along with 3.1-acres of new passive public parkland. As described in the project's Environmental Impact Report, the proposed project is not expected to result in associated increased runoff or negatively affect downstream facilities because the total overall peak flow rate of the site would be similar to peak flow into existing storm drains under existing conditions. In addition, the extent of 100-year flood events would not likely be exacerbated by implementation of the project because the project would slightly decrease impervious surface area, which would be expected to reduce local flooding impacts.

The project is consistent with the MVCP because a context-sensitive approach was used to address the relationship between the development and adjacent natural features. Furthermore, by locating new residential and park uses in a Transit Priority Area immediately adjacent to the Fashion Valley Transit Station, the proposed transit-oriented, mixed-use project fulfills the integrated use approach as recommended in the MVCP and the General Plan City of Villages strategy, and will help achieve the mode share goals of the Climate Action Plan.

On February 19, 2015, the Planning Commission approved the Initiation of an Amendment to the Atlas Specific Plan and Mission Valley Community Plan (Town and Country site) pursuant to [Planning Commission Report No. PC-15-012](#). The responses to the Planning Commission Resolution No. 4658 (Attachment 10) recommendations have been provide and are attached (Attachment 11).

Environmental Analysis:

An [EIR No. 424475/SCH No. 2015121066](#), has been prepared for the project in accordance with CEQA Guidelines. A MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to adopt the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking.

As discussed in Section 4.3, Historical Resources, a significant impact to historical resources (built environment) would occur as a result of the project. The Regency Conference Center/Le Baron Hotel Garden Ballroom meets California Register of Historical Resources and Historical Resources Board criteria and is therefore considered a historical resource. As a part of the project, demolition of the Regency Conference Center is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) and their applicable guidelines, because the historic character of the historical resource would not be retained or preserved. This is considered a significant direct impact under CEQA. Mitigation measures would not reduce the impact to a level less than significant, since adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties is not feasible. This project-level impact would be significant and unmitigable with the implementation of the project.

As identified in Section 4.2, Transportation/Circulation, Year 2035 (Horizon Year) - Without Project ADT at the Riverwalk Drive: East of Avenida Del Rio street segment is anticipated to be 17,170 operating at LOS F. Under the project, conditions would worsen. Year 2035 (Horizon Year) + Project ADT at this street segment is anticipated to increase to 17,600, which is a 0.054 increase in V/C ratio. The street segment under this scenario would continue to operate at LOS F. Per the City's

Significance Thresholds and the analysis methodology presented in Section 4.2, project-related traffic is calculated to cause significant cumulative impacts within the study area at the Riverwalk Drive: East of Avenida Del Rio street segment under Year 2035 (Horizon Year) + Project conditions. There is no feasible mitigation available that would reduce the impact at Riverwalk Drive: East of Avenida Del Rio street segment to a less than significant level. Therefore, cumulative impacts along this street segment would be significant and unmitigable.

Conclusion:

The project is consistent with the MVCP because a context-sensitive approach was used to address the relationship between the development and adjacent natural features. Furthermore, by locating new residential and park uses in a Transit Priority Area immediately adjacent to the Fashion Valley Transit Station, the proposed transit-oriented, mixed-use project fulfills the integrated use approach as recommended in the MVCP and the General Plan City of Villages strategy, and will help achieve the mode share goals of the Climate Action Plan. Therefore, staff recommends that the Planning Commission recommend City Council approval of the project.

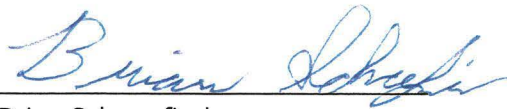
ALTERNATIVES

1. Recommend the City Council CERTIFY Environmental Impact Report No. 424475/SCH No. 2015121066, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program; ADOPT the Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan No. 1499940; ADOPT the Rezone No. 1904698; APPROVE Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, Conditional Use Permit No. 1904584, Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945, with modifications.
2. Recommend the City Council DO NOT CERTIFY Environmental Impact Report No. 424475/SCH No. 2015121066, DO NOT ADOPT the Findings and Statement of Overriding Considerations, and DO NOT ADOPT the Mitigation, Monitoring, and Reporting Program; DO NOT ADOPT the Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan No. 1499940; DO NOT ADOPT the Rezone No. 1904698; DENY Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, Conditional Use Permit No. 1904584, Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


Elyse W. Lowe
Deputy Director
Development Services Department


Jeffrey A. Peterson
Development Project Manager
Development Services Department



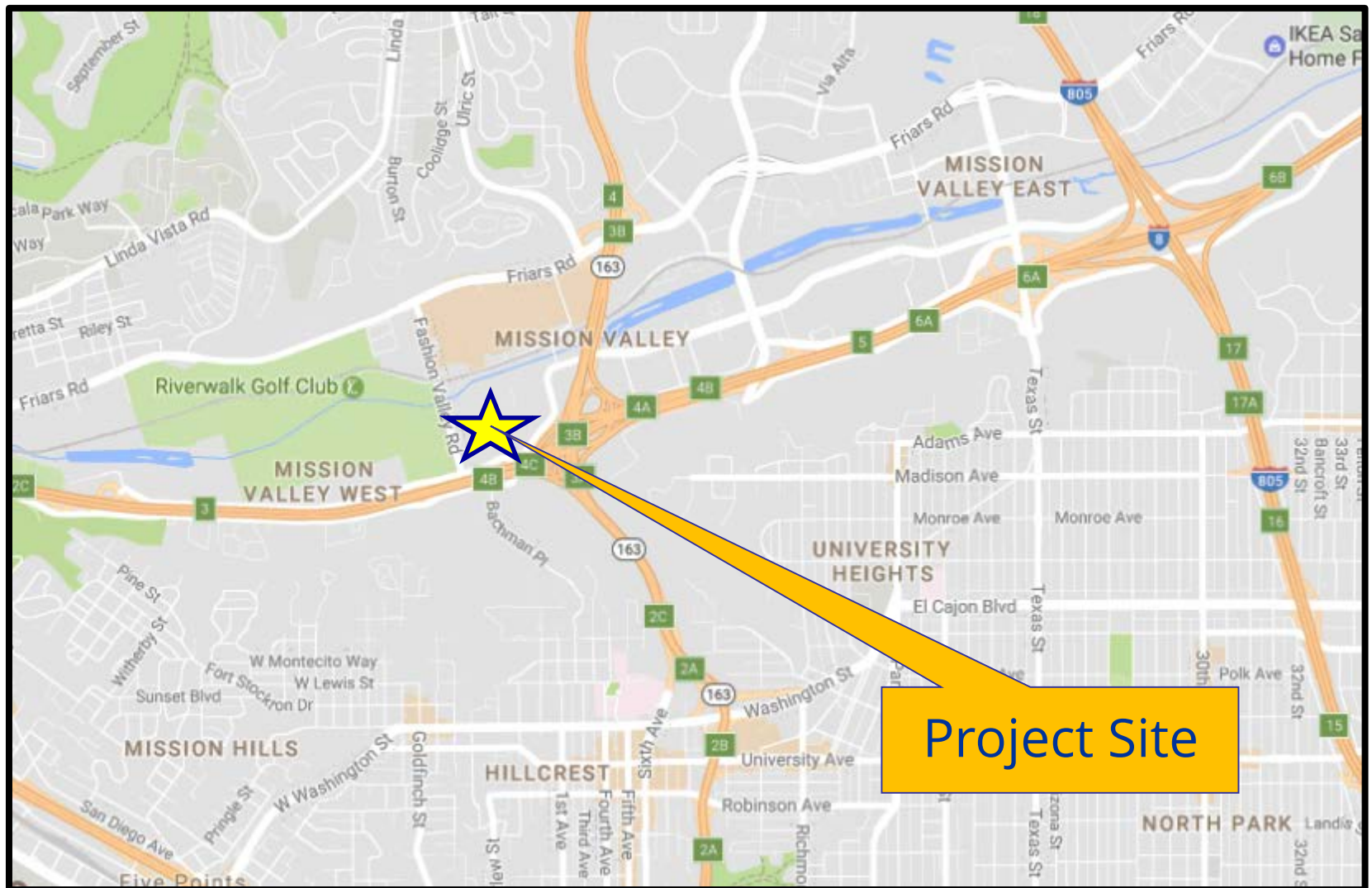
Brian Schoenfisch
Program Manager, Long Range Planning
Planning Department

LOWE/JAP

Attachments:

1. Location Map
2. Aerial Photographs/Site Photographs
3. Zoning Map
4. Community Plan Land Use Map
5. Mission Valley Community Plan (Figure 10)
6. Project Data Sheet
7. Planned Commercial Development/Conditional Use Permit No. 88-0585
8. Site Development Permit No. 400602
9. Stipulation in Full Settlement for Final Judgment of Permanent Injunction, Case No. GIC880884
10. Planning Commission Resolution No. 4658-PC
11. Responses to the Planning Commission Resolution Recommendations
12. FEMA Conditional Letter of Map Revision (CLOMR)
13. Draft PDP/SDP/CUP Resolution with Findings
14. Draft PDP/SDP/CUP Permit with Conditions
15. Draft VTM/EV Resolution with Findings
16. Draft VTM/EV Conditions
17. Draft MVCP/GP Amendment Resolution
18. Revised Mission Valley Community Plan (Figure 5)
19. Revised Mission Valley Community Plan (Figure 10)
20. Revised Atlas Plan and Figures
21. Rezone Ordinance
22. Rezone Exhibit Sheet B-4324
23. Draft EIR Environmental Resolution with the Candidate Findings and Statement of Overriding Considerations and MMRP
24. Draft Planning Commission Resolution
25. Community Planning Group Recommendation
26. Ownership Disclosure Statement
27. Master Plan
28. Easement Vacation Exhibit
29. Easement Dedication Exhibit
30. Project Plans

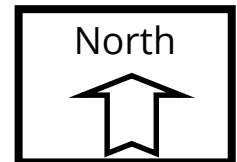
Internal Order Number: 24005875

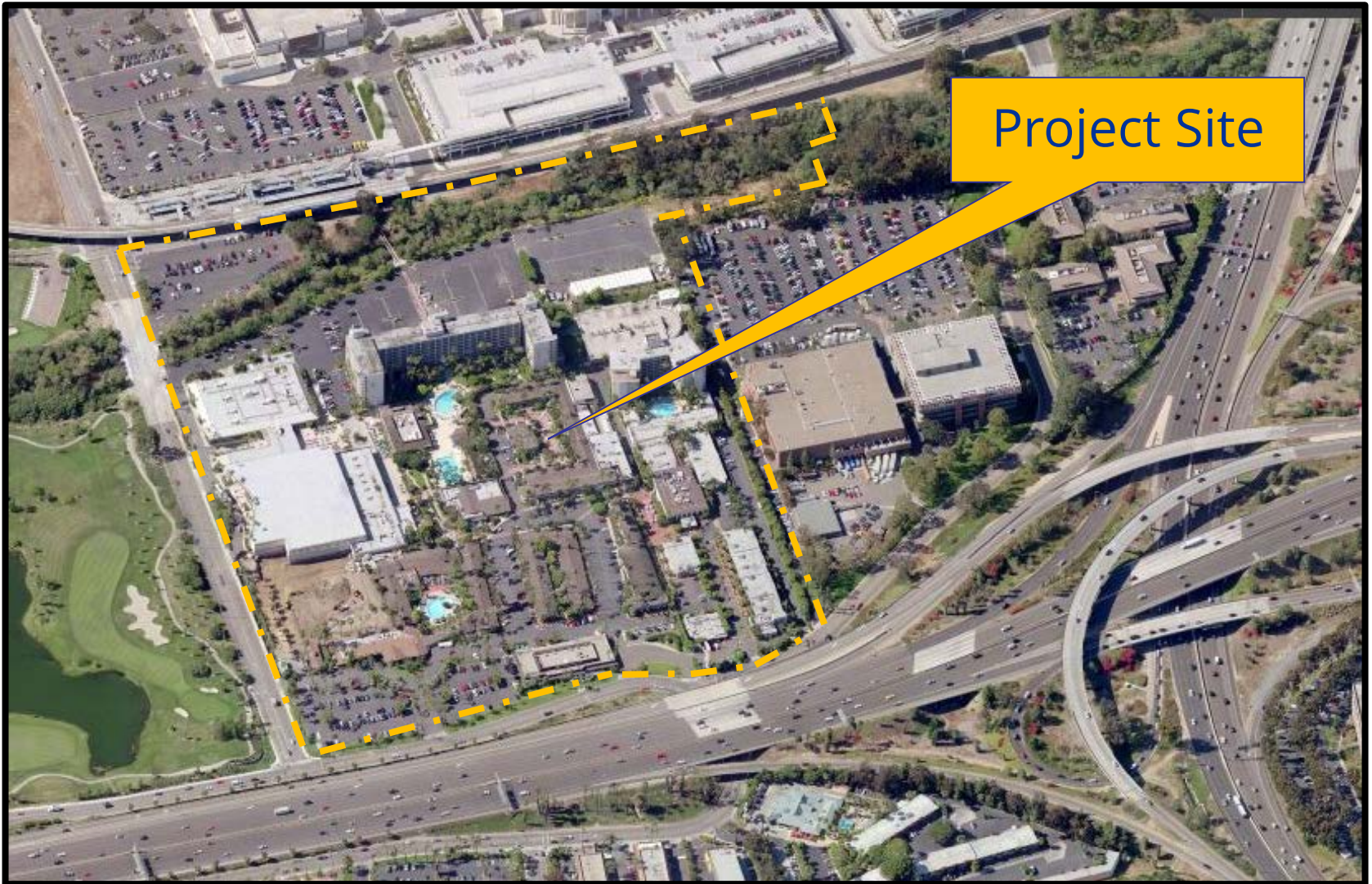


Location Map

TOWN AND COUNTRY - PROJECT NO. 424475

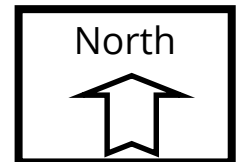
500 Hotel Circle North





Aerial Photograph (Bird's Eye View)

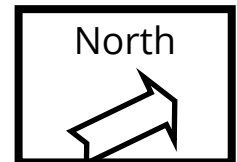
TOWN AND COUNTRY - PROJECT NO. 424475
500 Hotel Circle North





Aerial Photograph (Bird's Eye View)

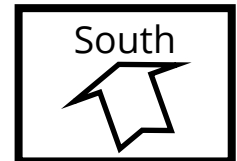
TOWN AND COUNTRY - PROJECT NO. 424475
500 Hotel Circle North





Aerial Photograph (Bird's Eye View)

TOWN AND COUNTRY - PROJECT NO. 424475
500 Hotel Circle North

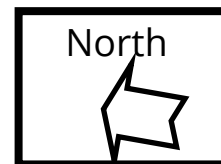




Aerial Photograph (Bird's Eye View)

TOWN AND COUNTRY - PROJECT NO. 424475

500 Hotel Circle North

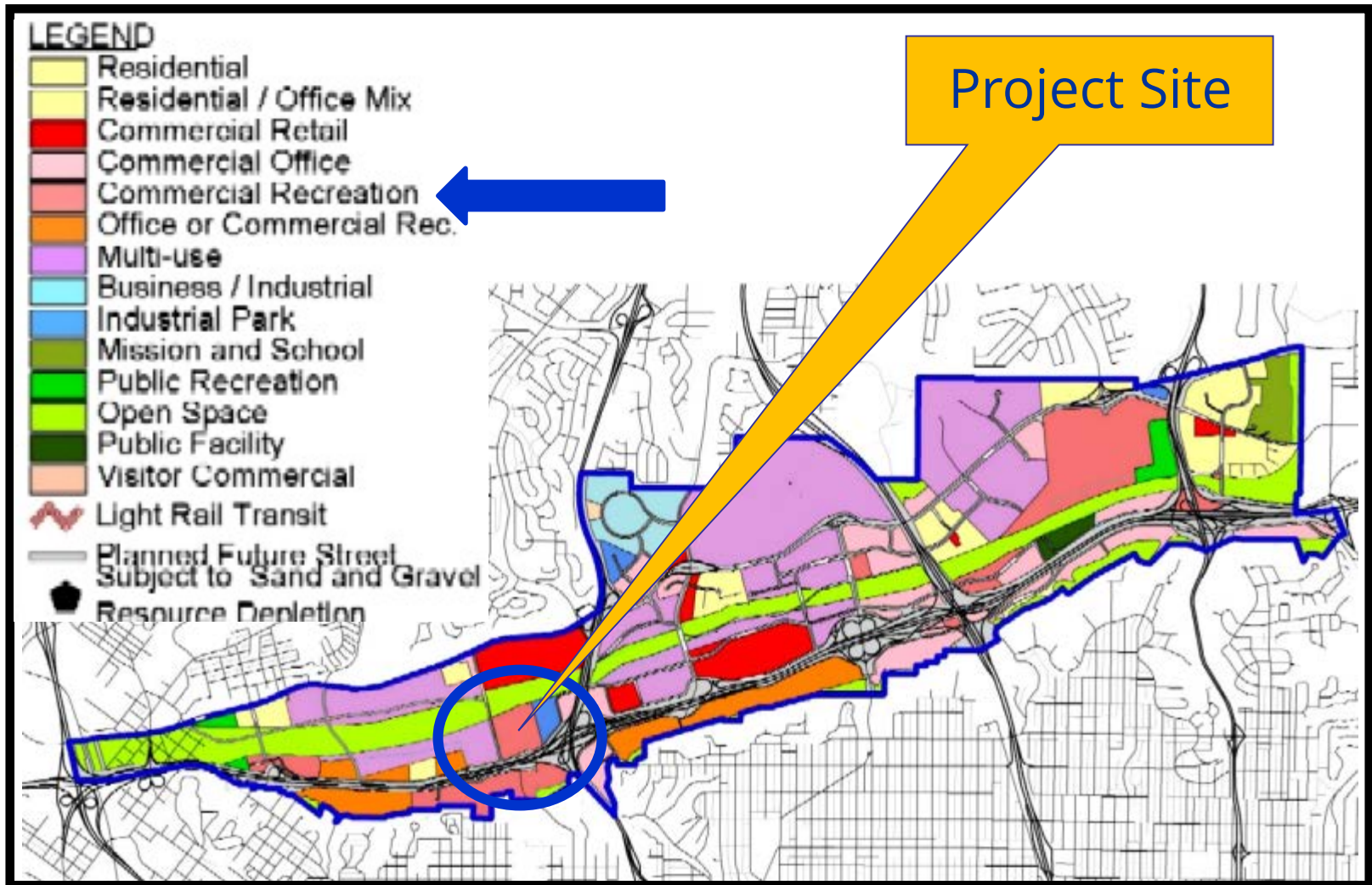


TOWN AND COUNTRY-PROJECT NO. 424475 SITE PHOTOGRAPHS

Due to the number of the Site Photographs (244 Photos)

**The following link is to the Planning Commission website,
which contains the Photo Key Maps,
Photo Contact Sheet, and Full Size Photos.**

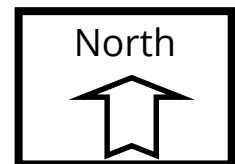
[Reports to the Planning Commission
Report No. PC-17-032-
Photo Key Maps, Photo Contact Sheet,
and Full Size Photos](#)

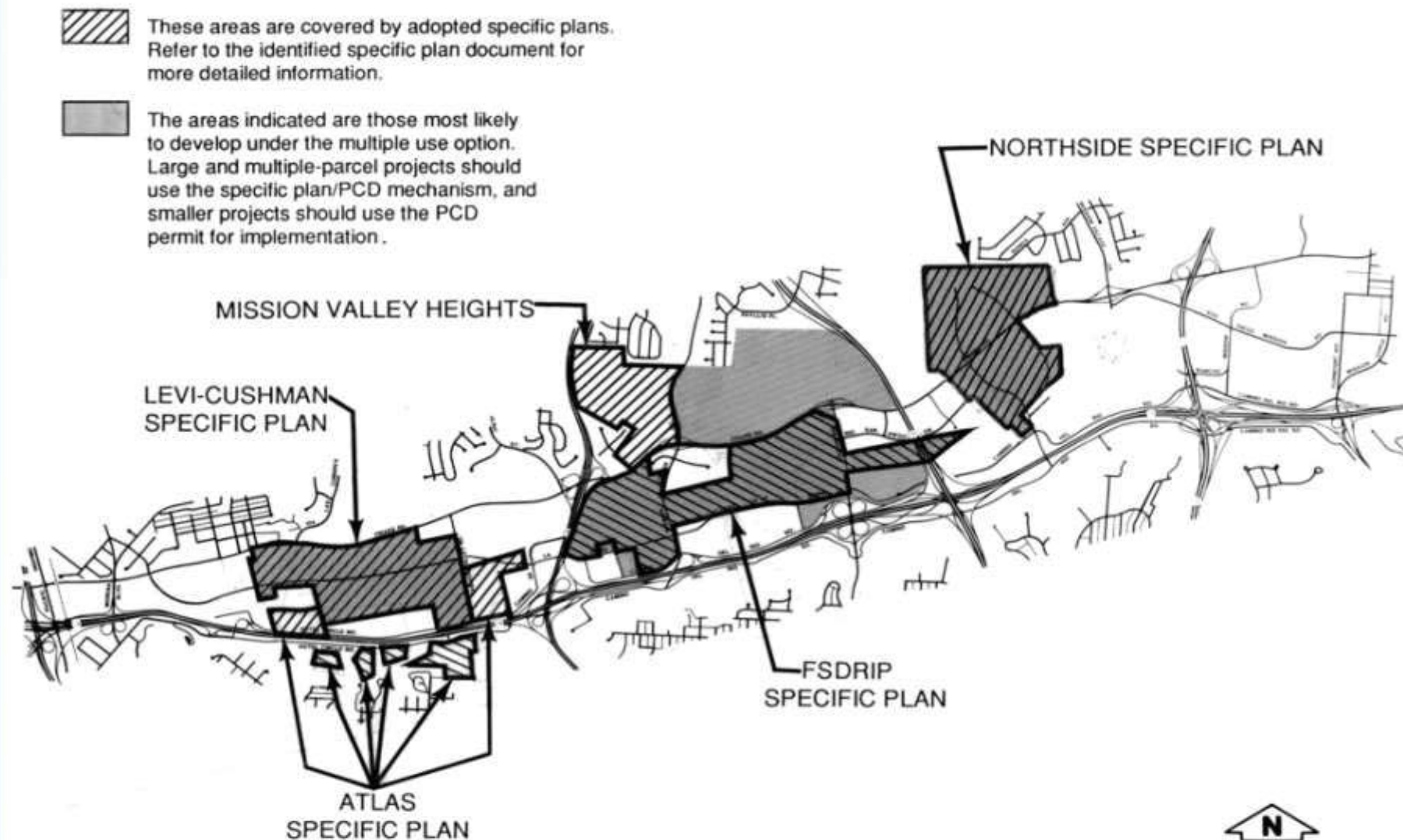


Mission Valley Community Land Use

TOWN AND COUNTRY - PROJECT NO. 424475

500 Hotel Circle North





Specific Plan/Multiple Use Areas
Mission Valley Community Plan

10
FIGURE



PROJECT DATA SHEET		
PROJECT NAME:	Town and Country –Project No. 424475	
PROJECT DESCRIPTION:	Redevelopment of the existing hotel and convention center with the addition of 840 residential units and accessory uses on a 39.72-acre site located at 500 Hotel Circle North.	
COMMUNITY PLAN AREA:	Mission Valley and in Atlas Specific Plan	
DISCRETIONARY ACTIONS:	Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan, Rezone, Master Planned Development Permit, Site Development Permit, Conditional Use Permit, Vesting Tentative Map and Easement Vacation	
COMMUNITY PLAN LAND USE DESIGNATION:	Existing Commercial Recreation / Proposed Multi-Use	
<p style="text-align: center;"><u>ZONING INFORMATION:</u></p> <p> ZONE: MVPD-M/SP & OF-1-1 (Mission Valley Planned District) HEIGHT LIMIT: None LOT SIZE: 40,000 square foot minimum COVERAGE RATIO: 0.50 maximum FRONT SETBACK: 20 feet (Hotel) & 15 feet + 0.25 incremental for each story of 24 feet SIDE SETBACK: 10 feet (Hotel) & 10 feet + 0.20 incremental for each story of 24 feet STREETSIDE SETBACK: NA REAR SETBACK: 8 feet (Hotel) & 15 feet + 0.20 incremental for each story of 24 feet PARKING: 2,208 spaces </p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial Retail, MVPD MV-CR	Regional Retail Center
SOUTH:	Commercial Recreation, MVPD MV-CV	Retail Complex and Office Buildings
EAST:	Industrial Park, MVPD MI-CR	Commercial/Multi-Family Residential
WEST:	Multi-Use, MVPD-M/SP	Golf Range
DEVIATIONS	Minimum Lot Area, Minimum Lot Width, Street Frontage, Lot Depth, Structures within Floodways, Flowage Easement, River Corridor Area, River Influence Area Lot Coverage, River Influence Area Building Height, River Influence Area Massing, Fences, Sidewalks/Parkways, Street Frontage, Street Yard Area, Parking and Building Setbacks and Incremental Building Setback, Exterior Usable Open Space, Structural Development Coverage, Structural Development Coverage, and Minimum Street Yards	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 1, 2017, the Mission Valley Planning Group voted 18-0-0 to recommend approval of the project with the recommendations made by the Design Advisory Board. However, the community group has not provide the City with the Design Advisory Board recommendations.	

ording requested by
d mail to:
ty of San Diego
anning Department
2 C Street, M.S. 4A
a Diego, CA 92101-3864

PLANNING DIRECTOR RESOLUTION NO. 8263
GRANTING PLANNED COMMERCIAL DEVELOPMENT/
CONDITIONAL USE PERMIT NO. 88-0585

WHEREAS, ATLAS HOTELS, INC., a Delaware corporation, Owner/Permittee, filed an application to develop a Planned Commercial Development, Town and Country Hotel, 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, located on the north side of Hotel Circle North between Fashion Valley Road and Camino de la Reina, in the Mission Valley community planning area, in the CR Zone.

WHEREAS, on September 6, 1989, the Planning Director of the City of San Diego considered Planned Commercial Development Permit/Conditional Use Permit No. 88-0585 pursuant to Section 101.0910 and Section 101.0510 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

1. That the Planning Director adopts the following written Findings, dated September 6, 1989:
 - a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The project will provide additional hotel guest rooms, meeting and conference facilities and restaurants. The project will contribute to the general well-being of the surrounding community and meet the goals of the Mission Valley Community Plan. Additionally, the proposed development will be consistent with the requirements and criteria of the Atlas Specific Plan and the draft Mission Valley Planned District Ordinance.
 - b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The proposed development by virtue of site and architectural design, is consistent with existing and proposed development in the surrounding area, and will be compatible with future development along the San Diego River corridor and future street improvements adjacent to the site.
 - c. The proposed use will comply with the relevant regulations in the Municipal Code. The project will be

consistent with the standards of the Planned Commercial Development Ordinance, the Conditional Use Permit Ordinance and with regulations of the underlying CR Zone.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Director, Planned Commercial Development/Conditional Use Permit No. 88-0585, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Commercial Development/Conditional Use Permit No. 88-0585, a copy of which is attached hereto and made a part hereof.



Robert W. Didion
Senior Planner

Adopted On: September 6, 1989

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.

Phase 3:

Restaurant/lounge;
 2,300 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.

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.

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:
 $Q = 49,000 \text{ CFS.}$
- 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.

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.

ACKNOWLEDGED:

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 Permittee hereunder.

ATLAS HOTELS, INC., a California Corporation, "Owner/Permittee",

BY

State of California,) SS.
County of San Diego)

On this 26th day of January, in the 1990 year,
before me CAROL ANN COSGROVE, a Notary Public in and for said
county and state, personally appeared DONALD H. WARFIELD,
personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person who executed the within instrument as president (or secretary)
or on behalf of the corporation therein named, and acknowledged to me that the
corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the
County of San Diego, State of California, the day and year in this certificate
first above written.

NAME CAROL ANN COSGROVE
(typed or printed)

SIGNATURE Carol Ann Cosgrove

NOTARY STAMP




(CORPORATE)

9/6/89

15 pages

AUTHENTICATED BY:

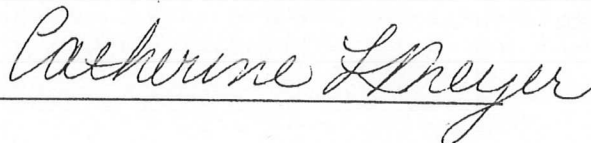

ROBERT W. DIDION, SENIOR PLANNER
PLANNING DEPARTMENT

On this 7th day of Feb in the year 1990,
before me, CATHERINE L. MEYER, a Notary Public in and for said county
and state, personally appeared ROBERT W. DIDION, personally known
to me (~~er-proved-to-me-on-the-basis-of-satisfactory-evidence~~) to be
the person who executed this instrument as SENIOR PLANNER of
the City Planning Department, and acknowledged to me that the City of
San Diego executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in
the County of San Diego, State of California, and the day and year
in this certificate first above written.

NAME CATHERINE L. MEYER

SIGNATURE





NOTARY STAMP

LS

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

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAR 22, 2013
DOCUMENT NUMBER 2013-0183085
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 8:49 AM

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

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

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.

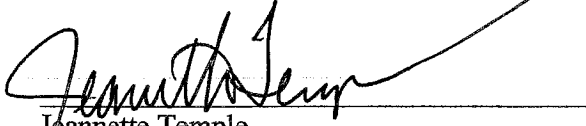
INFORMATION ONLY:

- 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: February 20, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

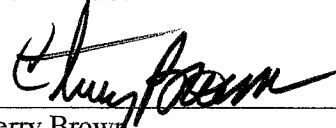

Jeannette Temple
Development Project Manager

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

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

Town and Country Hotel, LLC
Owner/Permittee

By


Terry Brown
President

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

County of San Diego

On March 21, 2013 before me, Georgette Ocariza Manela, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared ----- Jeannette Temple -----

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature:

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Town and Country Parking Lot – PTS#: 118318 (MMRP)

Document Date: _____ Number of Pages: _____ /

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

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

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

Top of thumb here

Signer Is Representing: _____

- Signer's Name: _____

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

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN DIEGOOn 3-19-13
Date

before me,

CONNIE EGGLETON, NOTARY
Here Insert Name and Title of the Officer

personally appeared

TERRY BROWN
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature: Connie Eggleton

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached DocumentTitle or Type of Document: SITE DEVELOPMENT PERMIT No. 460602Document Date: 3-19-13Number of Pages: 8

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)Signer's Name: TERRY BROWN

Signer's Name: _____

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

Signer Is Representing: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
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**RIGHT THUMBPRINT
OF SIGNER**
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ORIGINAL

F I L E D

Clerk of the Superior Court

MAR 22 2007

By: C. NEPOMUCENO, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF
CALIFORNIA; and THE CITY OF SAN
DIEGO, a municipal corporation,

Plaintiffs,

v.

TOWN AND COUNTRY HOTEL LLC, a
Delaware Limited Liability Company;
AMERICAN ASPHALT AND CONCRETE
INC., a California corporation; DOES I
through XX, inclusive,

Defendants.

CASE NO. GIC880884
JUDGE WILLIAM R. NEVITT, JR.
DEPT. 64

STIPULATION IN FULL
SETTLEMENT FOR FINAL
JUDGMENT OF PERMANENT
INJUNCTION; JUDGMENT THEREON
[CCP § 664.6]

Plaintiffs, the People of the State of California and the City of San Diego, a municipal corporation, appearing through their attorneys, Michael J. Aguirre, City Attorney, and Diane Silva-Martinez, Head Deputy City Attorney; and Defendants Town and Country Hotel, a Limited Liability Company; American Asphalt and Concrete, Inc. a California corporation; by and through their attorneys, Matthew A. Peterson and James H. Flaherty, enter into the following Stipulation in full and final settlement of the above-captioned case without trial or adjudication of any issue of fact or law, and agree that final judgment may be so entered:

1. This Stipulation for Entry of Final Judgment [STIPULATED JUDGMENT] is executed as of 3/19, 2007, between and among Plaintiffs, The People of the State of California and the City of San Diego, and Defendants Town and Country Hotel, American Asphalt and Concrete, Inc.; and DOES I through XX, inclusive.

1 2. The parties to this STIPULATED JUDGMENT are parties to a civil suit pending in
2 the Superior Court of the State of California for the County of San Diego, entitled *The People Of*
3 *the State Of California and the City of San Diego, a municipal corporation v. Town And Country*
4 *Hotel, a Limited Liability Company; American Asphalt And Concrete Inc., a California*
5 *corporation; and Does I through XX, inclusive*, Civil Number GIC880884.

6 3. The parties to this STIPULATED JUDGMENT incorporate by reference the Cleanup
7 and Abatement Order No. R9-2005-0279 [CAO] issued to the Defendants by the California
8 Regional Water Quality Control Board, San Diego Region (RWQCB) attached hereto as Exhibit
9 1.

10 4. The City of San Diego, through its police power and its Municipal Code ordinances,
11 has the legal authority to enforce those portions of the California Water Code [CWC] referenced
12 in the CAO, in privy with the RWQCB.

13 5. The parties to this STIPULATED JUDGMENT agree that the relief granted herein is
14 sufficient to address all of the findings in the CAO and violations listed in the City of San Diego's
15 Notice of Violation dated December 12, 2005.

16 6. The City of San Diego is a charter city empowered to govern its own municipal
17 affairs.

18 7. This STIPULATED JUDGMENT resolves an enforcement action regarding municipal
19 affairs.

20 8. The parties wish to avoid the burden and expense of further litigation and accordingly
21 have determined to compromise and settle their differences in accordance with the provisions of
22 this STIPULATED JUDGMENT. Neither this STIPULATED JUDGMENT nor any of the
23 statements or provisions contained herein shall be deemed to constitute an admission or an
24 adjudication of any of the allegations of the Complaint.

25 9. This action is brought under California law and this Court has jurisdiction over the
26 subject matter and each of the parties in this action.

27 10. The property [PROPERTY] that is the subject of this STIPULATED JUDGMENT
28 consists of the following parcels in the City of San Diego known by the assessor's parcel numbers

and legal descriptions listed below as recorded in the Office of the Recorder for the County of San Diego:

PARCEL A: (APN 437-260-49)

ALL THAT PORTION OF LOT 2 OF MISSION VALLEY BALL PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, State of California, ACCORDING TO MAP THEREOF NO. 3755, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 6, 1957, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2: THENCE ALONG THE WESTERLY LINE OF SAID LOT 2, NORTH 14° 55' 19" WEST -RECORD NORTH 15° 20' 48" WEST- 254.05 FEET TO A POINT IN THE SOUTHERLY BOUNDARY OF FASHION VALLEY, MAP NO. 6170, ON FILE IN THE OFFICE OF SAID COUNTY RECORDER, SAID POINT BEING ALSO ON A 5,000 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 19° 14' 14" EAST; THENCE EASTERLY ALONG SAID CURVE AND ALONG SAID SOUTHERLY BOUNDARY OF FASHION VALLEY THROUGH A CENTRAL ANGLE OF 01° 45' 56" AN ARC DISTANCE OF 154.08 FEET; THENCE TANGENT TO SAID CURVE NORTH 68° 59' 50" EAST, ALONG SAID SOUTHERLY BOUNDARY, 508.97 FEET, MORE OR LESS. TO A POINT IN THE WESTERLY LINE OF LOT 8, E. W. MORSE'S SUBDIVISION, MAP NO. 103, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING ALSO A POINT IN THE BOUNDARY OF SAID MISSION VALLEY BALL PARK; THENCE ALONG SAID BOUNDARY THE FOLLOWING COURSES: SOUTH 14° 50' 59" EAST -RECORD SOUTH 15° 20' 48" EAST-105.41 FEET; SOUTH 74° 55' 10" WEST - RECORD SOUTH 74° 39' 12" WEST- 65.00 FEET; SOUTH 14° 50' 59" EAST - RECORD SOUTH 15° 20' 48" EAST- 224.68 FEET; SOUTH 75° 52' 53" WEST 594.22 FEET - RECORD SOUTH 75° 24' 12" WEST, 594.20 FEET- TO THE POINT OF BEGINNING.

PARCEL B: (APN 437-260-44)

THAT PORTION OF LOT 4 OF PARTITION OF PUEBLO LOT 1105, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, State of California, ACCORDING TO REFEREE'S MAP NO. 1029 MADE IN THE ACTION OF THOMAS J. DALEY VS. ARPAD HARASZTHY, ET AL, IN THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO, FILED IN THE COUNTY CLERK'S OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT 4, THENCE ALONG THE EASTERLY LINE OF SAID LOT NORTH 15° 25' WEST -RECORD NORTH 15° 15' WEST- 1485.00 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 75° 20' WEST 275.10 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 75° 20' WEST 74.90 FEET TO A TANGENT 233.12 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 307.43 FEET, MORE OR LESS, THROUGH A CENTRAL ANGLE OF 75° 33' 34" TO THE SOUTHERLY LINE OF THAT PARCEL 1 OF THE LAND DESCRIBED IN THE DEED TO E. A. WITTMER, RECORDED MARCH 20, 1947, AS FILE NO. 30506, IN

BOOK 2349, PAGE 466 OF OFFICIAL RECORDS; THENCE SOUTH 75° 20' WEST ALONG SAID SOUTHERLY LINE AND ITS WESTERLY PROLONGATION 497.20 FEET, MORE OR LESS, TO THE EASTERLY LINE OF THE WESTERLY 30 FEET OF SAID LOT 4; THENCE ALONG SAID EASTERLY LINE NORTH 15° 30' 45" WEST 89.12 FEET OF A TANGENT 60.00 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS NORTH 74° 29' 15" EAST FROM THE POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 93.36 FEET, THROUGH A CENTRAL ANGLE OF 89° 09' 15" THENCE TANGENT TO SAID CURVE NORTH 75° 20' EAST 14.47 FEET TO A TANGENT 25 FOOT RADIUS CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE 19.93 FEET, THROUGH A CENTRAL ANGLE OF 45° 41'; THENCE TANGENT TO SAID CURVE NORTH 29° 39' EAST 210.51 FEET TO A TANGENT 500 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 148.60 FEET, MORE OR LESS, THROUGH A CENTRAL ANGLE OF 17° 01' 43" TO A LINE WHICH BEARS SOUTH 15° 30' 45" EAST FROM THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND DESCRIBED IN DEED TO DR. NORMAN C. ROBERTS, ET UX, RECORDED NORTH 4, 1949 AS FILE NO. 102379 IN BOOK 3376, PAGE 102 OF OFFICIAL RECORDS; THENCE NORTH 15° 30' 45" WEST 127.13 FEET, MORE OR LESS, TO A LINE WHICH IS PARALLEL WITH AND 25 FEET SOUTHERLY AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF SAID ROBERTS LAND; THENCE ALONG SAID PARALLEL LINE NORTH 74° 29' 15" EAST 440.61 FEET, MORE OR LESS, TO A LINE WHICH BEARS NORTH 15° 25' WEST FROM THE TRUE POINT OF BEGINNING THENCE SOUTH 15° 25' EAST ALONG SAID LINE 236.25 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

PARCEL C: (APN 437-260-48-00)

ALL THAT PORTION OF LOT 4 OF PARTITION OF PUEBLO LOT 1105, IN THE CITY OF SAN DIEGO, COUNTY OF SAN Diego, State of California, ACCORDING TO REFEREE'S MAP NO. 1029, MADE IN THE ACTION OF THOMAS J. DALEY VS. ARPAD HARASZTHY, ET AL, IN THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO, FILED IN THE COUNTY CLERK'S OFFICE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 4 DISTANT ALONG SAID LINE NORTH 14° 55' 19" WEST -RECORD NORTH 15° 15' 00" WEST- 1485.00 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 14° 55' 19" WEST 254.05 FEET TO A POINT IN THE SOUTHERLY BOUNDARY OF FASHION VALLEY, MAP NO. 6170 FILED IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID POINT BEING ALSO ON A 5,000 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 19° 14' 14" EAST; THENCE WESTERLY ALONG SAID CURVE, AND ALONG SAID SOUTHERLY BOUNDARY THROUGH A CENTRAL ANGLE OF 04° 15' 04" AN ARC DISTANCE OF 370.98 FEET - RECORD 370.10 FEET; THENCE TANGENT TO SAID CURVE, ALONG SAID SOUTHERLY BOUNDARY, SOUTH 75° 00' 50" WEST, 734.57 FEET TO THE SOUTHWEST CORNER OF SAID MAP NO. 6170; THENCE LEAVING SAID BOUNDARY SOUTH 14° 59' 10" EAST ALONG THE WESTERLY LINE OF SAID LOT 4, 399.06 FEET, MORE

OR LESS, TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN PARCEL 1 IN DEED IN TO TOWN AND COUNTRY DEVELOPMENT, INC., RECORDED AUGUST 16, 1961 AS FILE NO. 140984 OF OFFICIAL RECORDS; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL 1, NORTH 75° 51' 31" EAST - RECORD NORTH 75° 20' 00" EAST- 530.32 FEET TO A POINT IN A NON-TANGENT 233.12 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LAND DESCRIBED IN DEED TO EVERETT C. DAVIS AND ELLEN S. DAVIS RECORDED AUGUST 31, 1961 AS FILE NO. 151988 OF OFFICIAL RECORDS: THENCE NORTHERLY AND EASTERLY ALONG SAID CURVE AND ALONG THE BOUNDARY OF SAID DAVIS' LAND AN ARC DISTANCE OF 304.40 FEET, MORE OR LESS, THENCE CONTINUING ALONG SAID BOUNDARY OF DAVIS' LAND, NORTH 75° 00' 50" EAST -RECORD NORTH 75° 20' 00" EAST- 330.00 FEET, MORE OR LESS, TO A POINT WHICH LIES 20.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY LINE OF LOT 4; THENCE SOUTHERLY, PARALLEL WITH SAID EASTERLY LINE OF LOT 4, 175.00 FEET; THENCE EASTERLY, AT RIGHT ANGLES, TO THE LAST DESCRIBED COURSE 20.00 FEET TO A POINT IN SAID EASTERLY LINE OF LOT 4; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF LOT 4; 175.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE ABOVE DESCRIBED PARCEL C ALL THAT PORTION INCLUDED WITHIN THAT PARCEL 1 DESCRIBED IN DEED TO BETTY FOWLER, RECORDED FEBRUARY 6, 1952 IN BOOK 4364, PAGE 164 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL THAT LAND DESCRIBED ABOVE AS PARCEL B.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WITHIN FASHION VALLEY ROAD.

SAID IS SHOW ON RECORD OF SURVEY NO. 2595, RECORDED JANUARY 25, 1951.

PARCEL D: (APN 437-260-46)

THAT PORTION OF LOT 4 OF PARTITION OF PUEBLO LOT 1105, IN THE CITY OF SAN DIEGO, State of California, ACCORDING TO REFEREE'S MAP NO. 1029, MADE IN THE ACTION OF THOMAS J. DALEY VS. ARPAD HARASZTHY, ET AL, IN THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO, FILED IN THE COUNTY CLERK'S OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID LOT 4, DISTANT ALONG SAID LINE, NORTH 15° 25' WEST, - RECORD NORTH 15° 15' WEST - 1485.00 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE SOUTH 75° 20' WEST, 54.61 FEET TO THE TRUE POINT OF BEGINNING SAID POINT BEING THE BEGINNING OF A TANGENT 30 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89° 15', A DISTANCE OF 46.73

1 FEET; THENCE SOUTH 15° 25' EAST, 145.39 FEET TO A POINT IN
 2 THE SOUTHERLY LINE OF PARCEL 1 OF THAT LAND DESCRIBED
 3 IN THE DEED TO E. A. WITTMER, RECORDED ON MARCH 20, 1947
 4 AS DOCUMENT NO. 30506, IN BOOK 2349, PAGE 466 OF OFFICIAL
 5 RECORDS: THENCE ALONG THE SOUTHERLY LINE OF SAID
 6 PARCEL 1, SOUTH 75° 20' WEST, 250.10 FEET; THENCE NORTH 15°
 7 25' WEST, 175.00 FEET TO AN INTERSECTION WITH A LINE
 8 BEARING SOUTH 75° 20' WEST, FROM THE TRUE POINT OF
 9 BEGINNING; THENCE NORTH 75° 20' EAST, 220.49 FEET TO THE
 10 TRUE POINT OF BEGINNING.

11 PARCEL E: (APN 437-260-45-00)

12 THAT PORTION OF LOT 4 OF PARTITION OF PUEBLO LOT 1105, IN
 13 THE CITY OF SAN DIEGO, State of California, ACCORDING TO
 14 REFEREE'S MAP NO. 1029, MADE IN THE ACTION OF THOMAS J.
 15 DALEY VS. ARPAD HARASZTHY, ET AL, IN THE SUPERIOR COURT
 16 OF THE COUNTY OF SAN DIEGO, FILED IN THE COUNTY CLERK'S
 17 OFFICE, DESCRIBED AS FOLLOWS:

18 COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID LOT 4,
 19 DISTANT ALONG SAID LINE NORTH 15° 25' WEST (RECORD NORTH
 20 15° 25' WEST) 1310 FEET FROM THE SOUTHEASTERLY CORNER OF
 21 SAID LOT 4; THENCE CONTINUING ALONG SAID EASTERLY LOT
 22 LINE, NORTH 15° 25' WEST 175 FEET; THENCE SOUTH 75° 20' WEST
 23 350 FEET TO THE BEGINNING OF A 233.12 FOOT RADIUS CURVE
 24 CONCAVE SOUTHEASTERLY, A RADIAL LINE AT SAID POINT
 25 BEARING NORTH 15° 25' WEST, BEING ALSO THE TRUE POINT OF
 26 BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE
 27 SOUTHWESTERLY ALONG SAID CURVE 307.43 FEET - RECORD
 28 304.40 FEET - MORE OR LESS, TO THE SOUTHERLY LINE OF THAT
 PARCEL 1 OF THE LAND DESCRIBED IN THE DEED TO E. A.
 WITTMER, RECORDED MARCH 20, 1947 AS DOCUMENT NO. 30506,
 IN BOOK 2349, PAGE 466 OF OFFICIAL RECORDS; THENCE ALONG
 SAID SOUTHERLY LINE OF WITTMER'S PARCEL 1, NORTH 75° 20'
 EAST 302.95 FEET - RECORD NORTH 75° 30' EAST 300 FEET - MORE
 OR LESS, TO THE SOUTHWESTERLY CORNER OF THAT PARCEL OF
 LAND DESCRIBED IN THE DEED TO ARTHUR H. MARX ET UX,
 RECORDED MARCH 19, 1951 AS DOCUMENT NO. 34219 IN BOOK
 4016, PAGE 207 OF OFFICIAL RECORDS; THENCE NORTH 15° 25'
 WEST ALONG SAID MARX LAND, 175 FEET TO THE
 NORTHWESTERLY CORNER THEREOF; THENCE SOUTH 75° 20'
 WEST 74.90 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL F: (APN 437-260-47)

THAT PORTION OF LOT 4 OF PARTITION OF PUEBLO LOT 1105, IN
 THE CITY OF SAN DIEGO, State of California, ACCORDING TO
 REFEREE'S MAP NO. 1029, MADE IN THE ACTION OF THOMAS J.
 DALEY VS. ARPAD HARASZTHY, ET AL, IN THE SUPERIOR COURT
 OF THE COUNTY OF SAN DIEGO, FILED IN THE COUNTY CLERK'S
 OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EASTERLY LINE OF LOT 4
 DISTANT THEREON NORTH 15° 25' 00" WEST 1485.00 FEET FROM
 THE SOUTHERLY CORNER THEREOF; THENCE SOUTH 75° 20' WEST

54.61 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE
SOUTHWESTERLY AND BEING THE TRUE POINT OF BEGINNING;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 46.73
FEET; THENCE LEAVING THE ARC OF SAID CURVE SOUTH 15° 25'
00" EAST 145.39 FEET; THENCE NORTH 75° 20' 00" EAST TO A POINT
WHICH BEARS SOUTH 75° 20' 00" WEST 20.00 FEET FROM SAID
EASTERLY LINE; THENCE NORTH 15°25'00" WEST - RECORD
THENCE ALONG SAID EASTERLY LINE; 175.00 FEET; THENCE
SOUTH 75°20'00" WEST - RECORD THENCE LEAVING SAID
EASTERLY LINE - TO THE TRUE POINT OF BEGINNING.

11. Plaintiffs allege that defendants, and each of them, engaged in or caused to be performed grading operations on the Property. Plaintiffs allege that the grading operations were performed negligently, improperly and without appropriate authorizations, causing, among other things, physical injury to adjacent property and physical injury to or destruction of vegetation, trees and other tangible property. Plaintiffs also allege that damages were caused by the accidental use of grading equipment in areas beyond those intended, authorized or permitted, as well as the accidental pushing or depositing of concrete, asphalt, dirt, rocks and other debris onto adjacent property, damaging such adjacent property. Defendants deny each and every one of these allegations.

INJUNCTION

12. Upon entry of this STIPULATED JUDGMENT, Defendants, their successors and assigns, and any of its agents, employees, representatives and all persons, corporations or other entities acting by, through, under or on behalf of Defendants and all persons acting in concert with or participating with the Defendants with actual or constructive knowledge of this injunction shall be permanently enjoined from:

a. Violating all applicable building, zoning, and nuisance laws and regulations at the PROPERTY.

b. Performing any clearing, grubbing, grading, excavating, filling, or otherwise performing any activity constituting "development" as defined by San Diego Municipal Code [SDMC] section 113.0103 at any portion of the PROPERTY containing Environmentally Sensitive Lands per SDMC section 113.0103, unless City approval has been granted or all required local, state or federal permits and approvals have been obtained.

1 c. Performing any construction activity at the PROPERTY until permits and
2 approvals have been obtained from the City. Discharging waste sand, silt, clay, or dredged or fill
3 material in a manner or quantity which would result in pollutants entering the City of San Diego's
4 Storm Water Conveyance System.

5 d. Violating any of the provisions of the CAO.

6 COMPLIANCE MEASURES

7 13. The parties acknowledge that Defendant Town and Country Hotel has already
8 performed and continues to perform, repair, erosion and sediment control measures and
9 mitigation as required by the City of San Diego, the RWQCB, and federal and state agencies for
10 any impacts allegedly caused by the negligent grading on the PROPERTY.

11 14. Defendant Town and Country Hotel shall maintain all necessary erosion and
12 sediment control measures and Best Management Practices to protect any exposed slopes and
13 pads which resulted from any development and to eliminate the potential for a discharge of
14 sediments and other pollutants into the adjacent open space. Best Management Practices shall
15 include appropriate stabilization and repair of physical injuries of disturbed slopes directly
16 contacting the San Diego River and shall include practices beyond standard construction
17 practices. Any repair shall not result in additional environmental impacts and must be approved
18 by the appropriate federal or state agencies. The City's requirement to repair the property damage
19 and to stabilize these slopes shall not in any way exempt Defendants from their responsibility to
20 obtain any necessary permits from the applicable Federal, State, and County resource agencies
21 prior to beginning work.

22 15. City acknowledges that Defendant Town and Country Hotel has already removed all
23 of the items stored in the required parking spaces located on the lower level of the three-story
24 parking structure located to the south of the newly constructed northeasterly parking lot;

25 16. With the exception of temporary special events approved by the City, Defendant
26 Town and Country Hotel shall maintain all parking spaces so that they are available for vehicle
27 parking as required by discretionary permit, Planned Commercial Development
28 [PCD]/Conditional Use Permit [CUP] 88-0585.

17. Defendant Town and Country Hotel has already retained the services of a qualified biological consultant and civil engineer and has provided the City by a written evaluation of the existing vegetation on site, the quantity and amount of vegetation allegedly damaged by the negligent grading activity, and the quantity and amount of acreage allegedly impacted. The evaluation shall include a discussion of impacts to wetlands, water bodies, and the water shed. The evaluation, shall include a hydraulic analysis of the impacts to the water surface elevations during the base flood discharge. The biological evaluation shall be prepared in accordance with the "City of San Diego's Biological Review Reference" (July 2002) and shall include a discussion on wetlands, water bodies, watersheds or streambeds on which have been impacted. All proposals for mitigation of wetland habitat as set forth herein reflect adequate compensatory mitigation. Plaintiffs shall comply with the City of San Diego's mitigation ratios for impacts to wetlands associated with the grading activity at 3:1.

The required evaluation shall include a historical resources survey and report prepared by a qualified archaeologist in accordance with the Land Development Code Historical Resources Guidelines. This survey and report may include an on-site assessment and records search, an impact assessment for all existing and any newly identified archaeological resources, accompanied by mitigation measures as necessary.

18. Defendant Town and Country Hotel must elect to either repair the two impacted sites (OPTION ONE) or repair portions of the two impacted sites and develop a portion of the impacted site upon which the parking lot is constructed (OPTION TWO) in the manner described below. The two areas of impact are:

a. the newly constructed northeasterly parking lot which is approximately 280 feet x 229 feet, or 64,120 square feet in size. Repair of this area requires the removal of all asphalt, concrete, landscape material, imported fill material, storage containers and trash compacting and collection equipment.

b. the second area of impact is the area immediately east of and adjacent to the newly constructed northeasterly parking lot. This impacted area is approximately 80 feet x 450 feet, or 36,000 square feet in size. Within this second area, it is alleged that vegetation and trees were

1 accidentally damaged during the grading operations and fill material was accidentally pushed into
2 this area, causing additional damaged to vegetation.

3 **OPTION ONE: REPAIR ONLY**

4 In order to repair impacts to sensitive biological resources and the Special
5 Flood Hazard Area, Defendant Town and Country Hotel must submit a complete
6 application to the Development Services Department [DSD] at the direction of the
7 Neighborhood Code Compliance Division of DSD for all necessary discretionary
8 permits from DSD including but not limited to a Site Development Permit [SDP];
9 California Environmental Quality Act [CEQA] review; and a grading/landscape
10 plan to address the impacts to Environmentally Sensitive Lands [ESL] and to
11 address the impacts allegedly caused by grading operations including the repair of
12 the damage to native habitat (vegetation, trees, etc.). Necessary to the application
13 process are the written evaluations provided by a qualified biological consultant
14 and civil engineer hired by defendants as referenced in Paragraph 17 of this
15 STIPULATED JUDGMENT.

16 **OPTION TWO: REPAIR AND DEVELOPMENT**

17 In order to repair the damage to sensitive biological resources and the
18 Special Flood Hazard Area, Defendant Town and Country Hotel must submit a
19 complete application to the Development Services Department [DSD] at the
20 direction of the Neighborhood Code Compliance Division of DSD for all
21 necessary discretionary permits from DSD including but not limited to a Site
22 Development Permit [SDP]; California Environmental Quality Act [CEQA]
23 review; and a grading/landscape plan to address the impacts to Environmentally
24 Sensitive Lands [ESL] and to address the damage allegedly caused by the grading
25 operations including repair of the damages to native habitat (vegetation, trees,
26 etc.). Necessary to the application process are the written evaluations provided by
27 a qualified biological consultant and civil engineer hired by defendants as
28 referenced in Paragraph 17 of this STIPULATED JUDGMENT.

1 In addition, Defendant Town and Country Hotel must submit plans with its
2 application which would allow for:

3 A. the legal and proper development of the impacted area which is
4 approximately 212 feet x 280 feet in size and located in the south portion of the
5 newly constructed northeasterly parking lot;

6 B. the development, excluding repair work, must adhere to the design
7 sensitive zone as identified in the Atlas Specific Plan and other City plans and
8 ordinances as applicable;

9 C. a demonstration by way of hydraulic modeling of the pre-conditions
10 and post-conditions that show no increase occurred in the base flood elevations for
11 the parking lot.

12 19. If Defendant is unsuccessful in ultimately obtaining approvals necessary to exercise
13 OPTION TWO, Defendant understands that OPTION ONE (repair of the site) is required to
14 comply with the Municipal Code.

15 20. In the event NCCD, DSD, or a federal or state agency requests corrections to the
16 submitted plans described in OPTION ONE AND TWO above, Defendant Town and Country
17 Hotel agrees to exercise due diligence and resubmit the corrected plans and any other applicable
18 documents no later than 30 calendar days from the date of any such request or such extension that
19 may be granted by the City for good cause.

20 21. Within 90 calendar days from the date any State and Federal permits, if required, are
21 issued or such extension that may be granted by the City for good cause, Defendant Town and
22 Country Hotel shall obtain all necessary and final approvals from the appropriate agencies for
23 these permits.

24 SUPPLEMENTAL ENVIRONMENTAL PROJECTS

25 22. Within 60 calendar days of the entry of this STIPULATED JUDGMENT, Defendants
26 shall commence the following Supplemental Environmental Projects valued at \$160,000:

27 ///

28 ///

- a. \$100,000 shall be used for the implementation of a riparian enhancement plan to be undertaken by RECON in the San Diego River Park described in Exhibit 2 attached hereto.
- b. \$45,000 shall be used to fund the construction of various amenities in the San Diego River Park including, but not limited to, ornamental fencing to restrict motor vehicle intrusion into the River corridor, educational kiosks and interpretive signage.
- c. \$15,000 as a cash contribution to the San Diego River Park Foundation.

IN KIND CONTRIBUTION

23. Dedication to the City of approximately 7.1 acres in the form of an open space easement valued at \$125,000 per acre.

MONETARY RELIEF

24. Upon entry of this STIPULATED JUDGMENT, Defendants shall pay \$5,576.51 for costs incurred by Plaintiff, the City of San Diego for the investigation of the alleged violations on the PROPERTY. Payment shall be made in the form of a certified check, payable to the "City Treasurer." Such payment shall be in full satisfaction of all costs associated with the City's investigation of this action to date. The check shall be delivered to the attention of Diane Silva-Martinez on the 5th floor of the Office of the City Attorney, 1200 Third Avenue, San Diego, California.

25. Upon entry of this STIPULATED JUDGMENT, Defendants shall pay the sum of \$75,000 as civil penalties of which \$60,000 shall apply to and/or be offset against San Diego River Park repairs which may also include riparian enhancements/mitigation performed by Defendants of the alleged property damage caused by grading operations. The remaining \$15,000 shall be paid in the form of one certified check made payable to the "City Treasurer. Such penalties shall be in full satisfaction of all claims against Defendants, arising from any of the past violations alleged by Plaintiffs in this action. The check shall be delivered to Diane Silva-

///

1 Martinez on the 5th floor of the Office of the City Attorney, 1200 Third Avenue, San Diego,
2 California.

3 26. Upon entry of this STIPULATED JUDGMENT, Defendants shall reimburse
4 RWQCB \$10,000.00 for costs incurred by the RWQCB for the investigation of the alleged
5 violations on the PROPERTY related to the CAO. Payment shall be made in the form of one
6 certified check, payable to the Regional Water Quality Control Board, San Diego Region. Such
7 payment shall be in full satisfaction of all costs associated with the RWQCB's investigation of
8 this action and its CAO to date. The check shall be delivered to the attention of Frank Melbourn,
9 California Regional Water Quality Control Board, San Diego Region, State of California, 9174
10 Sky Park Court, Suite 100, San Diego, California.

11 27. Upon entry of this STIPULATED JUDGMENT, Defendants shall pay the sum of
12 5,000 as civil penalties to the RWQCB. Payment shall be in the form of one certified check,
13 payable to the Regional Water Quality Control Board, San Diego Region. Such penalties shall be
14 in full satisfaction of all claims against Defendants, arising from any of the past violations alleged
15 by Plaintiffs in this action. The check shall be delivered to Frank Melbourn, California Regional
16 Water Quality Control Board, San Diego Region, State of California, 9174 Sky Park Court, Suite
17 100, San Diego, California.

18 28. In the event of default by Defendants as to any amount due under this STIPULATED
19 JUDGMENT the whole amount due shall be deemed immediately due and payable as penalties to
20 the City of San Diego. Any amount in default shall incur interest at the prevailing legal rate from
21 the date of default until paid.

22 RESTITUTION

23 29. As to Defendant American Asphalt and Concrete Inc., **within 180 calendar days of**
24 **the entry of this STIPULATED JUDGMENT**, Defendant shall perform 200 hours of
25 community service with the San Diego River Park Foundation and provide proof to the City
26 Attorney's Office of the completed work service.

27 ///

28 ///

1 30. Nothing in this Stipulation shall prevent any party from pursuing any remedies as
 2 provided by law to subsequently enforce this Stipulation or the provisions of the San Diego
 3 Municipal Code.

4 RECORDATION OF JUDGMENT

5 31. A certified copy of this Judgment shall be filed in the Office of the County Recorder
 6 pursuant to the legal description.

7 32. As provided by law, the recordation of this Final Judgment shall constitute a prior
 8 lien over any lien that may be held on Defendants' property as legally described above.

9 RETENTION OF JURISDICTION

10 33. Jurisdiction is retained for the purpose of enabling the parties to this Final Judgment
 11 to apply to this Court at any time for such order or directions as may be necessary or appropriate
 12 for the construction or operation of this Final Judgment, or the modification or termination of any
 13 or all of the provisions, or for the enforcement or compliance of these terms.

14 34. All allegations as to Does I through XX, inclusive, are dismissed.

15 35. Prior to filing any pleadings to initiate contempt proceedings for any violation(s) of
 16 this Stipulation, Plaintiffs shall provide Defendants with written notice of their intent to initiate
 17 contempt proceedings at least 30 calendar days in advance of filing such pleadings.

18 36. Plaintiffs agree to meet and confer with Defendants and counsel of record prior to
 19 initiating any such proceedings.

20 37. Plaintiffs and Defendants agree that upon meeting and conferring and if requested
 21 following a hearing related to the alleged violation, a fine up to \$250 per violation, per day may
 22 be imposed as settlement resolution without resorting to contempt proceedings. These fines may
 23 be paid without admissions of liability or guilt.

24 ///

25 ///

26 ///

27 ///


28 ///

38. By signing this Stipulated Judgment, Defendant admits personal knowledge of all of the terms of this Stipulated Judgment. Service by mail shall constitute sufficient notice for all purposes.

Dated: March 14, 2007

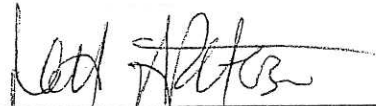
MICHAEL J. AGUIRRE, City Attorney

By



Diane Silva-Martinez
Head Deputy City Attorney

Attorneys for Plaintiff

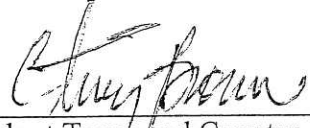
Dated: 3/16/07, 2007


Matthew A. Peterson, Esq.
Attorney for Defendants

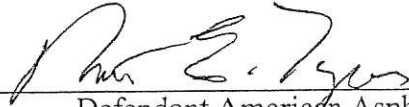
Dated: 3-16, 2007


James H. Flaherty, Esq.
Attorney for Defendants

Dated: 3-16, 2007


Defendant Town and Country
Hotel, LLC, by C. Terry Brown

Dated: 3-16, 2007


Defendant American Asphalt and
Concrete Inc. by Robert E. Tyner

Upon the stipulation of the parties hereto and upon their agreement to the entry of judgment without trial or adjudication of any issue of fact or law herein, and good cause appearing therefore, IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated: MAR 22 2007

WILLIAM R. NEVITT, JR.
JUDGE OF THE SUPERIOR COURT



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

December 15, 2005

CERTIFIED MAIL
7004 2510 0004 4024 2924

In reply refer to:
WPN:20-0505.05:portm
WDID 9000550N05

C. Terry Brown, President
Atlas Hotel Management L.L.C.
Town and Country Hotel L.L.C.
500 Hotel Circle North
San Diego, CA 92108

CERTIFIED MAIL
7004 2510 0004 4024 2931

Robert Edward Tyner, Responsible Managing Officer
American Asphalt & Concrete, Inc
9011 Memory Lane
Spring Valley, CA 91977

Dear Mr. Brown and Mr. Tyner:

**SUBJECT: CLEANUP AND ABATEMENT ORDER NO. R9-2005-0279 FOR
UNAUTHORIZED DISCHARGE OF WASTE INTO SAN DIEGO, TOWN
AND COUNTRY HOTEL AND RESORT, 500 HOTEL CIRCLE NORTH,
SAN DIEGO, CA**

Enclosed is California Regional Water Quality Control Board, San Diego Region (Regional Board) Cleanup and Abatement Order (CAO) No. R9-2005-0279. This order addresses the unauthorized discharge of waste to the San Diego River from the property at 500 Hotel Circle North, San Diego, San Diego County, California.

The CAO is issued pursuant to California Water Code (CWC) section 13304 and directs you to cleanup and abate the effects of these wastes. Please note the deadlines contained within the CAO. Failure to meet the deadlines may subject you to further enforcement action by the Regional Board, including administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$10,000.00 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Town & Country Hotel Discharge
CAO No. R9-2005-0279

- 2 -

December 15, 2005

Pursuant to CWC section 13304, the Regional Board is entitled to reimbursement for all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required, by this Order.

Please be aware that you may receive future invoices for additional cost incurred by the Regional Board in overseeing implementation of the requirements of this order.

You may contest the issuance of this CAO by requesting a public hearing on the matter before the Regional Board within 30 days of the issue date. However, in order to request a public hearing for the next scheduled meeting of the Regional Board on February 8, 2006, this office must receive a written request no later than 5 PM on January 5, 2006. Be aware that a request for a hearing does not stay any of the deadlines in the CAO.

I strongly urge a complete and prompt response to each directive in CAO No. R9-2005-0279. If you have any questions regarding this matter, please contact Mr. Mike Porter by telephone (858) 467-2726 or by email at mporter@waterboards.ca.gov.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS

Executive Officer

San Diego Regional Water Quality Control Board

JHR:rwm:mngp

Enclosures: (1) Cleanup and Abatement Order No. R9-2005-0279
(2) November 23, 2005 Inspection Report & Photos

California Environmental Protection Agency

Town & Country Hotel Discharge
CAO No. R9-2005-0279

- 3 -

December 15, 2005

CC: Ms. Jeannette Baker
U.S. Army Corps of Engineers
Regulatory Branch
San Diego Field Office
16885 West Bernardo Drive
San Diego, CA 92127

Mr. Terrence Dean
U.S. Army Corps of Engineers
Regulatory Branch
San Diego Field Office
16885 West Bernardo Drive
San Diego, CA 92127

Mr. Mike Richmond
City of San Diego
Land Development Investigator
Neighborhood Code Compliance Department
1200 Third Ave., 8th Floor, MS 51N
San Diego, CA 92101-4106

Ms. Deborah Jayne,
Executive Officer
San Diego River Conservancy
9174 Sky Park Court
Suite 100
San Diego, CA 92123-4340

Bill Tippetts
California Department of Fish and Game
4949 Viewridge Ave.
San Diego, CA 92123

Kelly Fisher
California Department of Fish and Game
4949 Viewridge Ave.
San Diego, CA 92123

Atlas Hotels, Inc
CT Corporation System, Agent for Service
818 West 8th Street
Los Angeles, CA 90017

California Environmental Protection Agency

Town & Country Hotel Discharge
CAO No. R9-2005-0279

- 4 -

December 15, 2005

American Asphalt & Concrete, Inc.
Melvyn J. Schulman, Agent for Service
1551 Fourth Avenue Suite 502
San Diego, CA 92101-3153

Dianne Silva-Martinez
Deputy City Attorney
City Attorney's Office
1200 Third Avenue, Suite 700
San Diego, CA 92101

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. R9-2005-0279
FOR

C. TERRY BROWN,
ATLAS HOTEL MANAGEMENT L.L.C.
TOWN AND COUNTRY HOTEL L.L.C.
TOWN AND COUNTRY RESORT, HOTEL & CONVENTION CENTER
ROBERT EDWARD TYLER,
AMERICAN ASPHALT & CONCRETE, INC.

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board), finds that:

1. The basis for this Cleanup and Abatement Order is pursuant to California Water Code Section 13304.
 - a) The discharge of waste to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050, is prohibited pursuant to Basin Plan Waste Discharge Prohibition No.1.
 - b) The discharge of sand, silt, clay or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited pursuant to Basin Plan Waste Discharge Prohibition No.14.
 - c) The Discharge of waste to waters of the State (and U.S.) caused a condition of pollution/nuisance and will continue to threaten pollution/nuisance.
2. All fill in the floodplain constitutes a deposit of waste where likely to be discharged to waters of the State.
3. On or before November 23, 2005, C. Terry Brown, the Atlas Hotel Management L.L.C., the Town and Country Hotel L.L.C., Robert Edward Tyler, and American Asphalt & Concrete caused or permitted the discharge of waste and pollutants, including fill, subject to erosion, and likely to be discharged in storm water runoff to the San Diego River, a navigable water of the U.S. within the San Diego Region.
4. The Atlas Hotel Management L.L.C. or Town and Country Hotel L.L.C. is in violation of State Water Resources Control Board (State Board) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System No.CAS000002, Waste

Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity for failure to obtain coverage under the Order.

5. All waste (asphalt, concrete, earthen materials, etc.) at construction site constitutes source of polluting waste that is likely to be discharged to the San Diego River by erosion from storm water.
6. C. Terry Brown is President of Atlas Hotel Management L.L.C. and Town and Country Hotel L.L.C.
7. Robert Edward Tyner is a Responsible Managing Officer for American Asphalt & Concrete Inc.
8. The Atlas Hotel Management L.L.C. and Town and Country Hotel L.L.C. owns and operates the Town and Country Resort & Convention Center and the Town and Country Resort Hotel (hereafter Town & Country Hotel) at 500 Hotel Circle North, San Diego, California. The Town & Country is bounded by Hotel Circle North to the south, Fashion Valley Road to the west, the San Diego River to the north, and the Union Tribune Newspaper property to the east.
9. The Atlas Hotel Management L.L.C. or Town and Country Hotel L.L.C. has recently constructed or renovated a parking area affecting greater than 2 acres of riparian habitat adjacent to and on the southern bank of the San Diego River without applying for, or receiving, any applicable permits or authorizations.
10. The construction site is located within the Mission San Diego Hydrologic Subarea (907.11) of the San Diego Hydrologic Unit (907), as described in the "Water Quality Control Plan, San Diego Basin (9)" (hereafter Basin Plan).
11. The Basin Plan has established the following potential and designated beneficial uses for this reach of the San Diego River: Contact Water Recreation (REC-1), Non-contact Water Recreation (REC-2), Cold Freshwater Habitat (COLD), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Rare Wildlife Habitat (RARE), Agricultural (AGR), and Industrial (IND).
12. The lower 20 miles of the San Diego River is listed on the 2002 Clean Water Act section 303(d) list of impaired water bodies. The water quality of the San Diego River is impaired for elevated concentrations of total dissolved solids and phosphorus and depressed levels of dissolved oxygen.
13. The discharge of earthen fill and concrete waste to the flowing San Diego River has exacerbated the existing impairments for elevated concentrations of total dissolved solids and phosphorus and depressed levels of dissolved oxygen.
14. The active channel, the banks and the floodplain of the San Diego River parallel, adjacent to, and under the construction site constitutes waters of the State, as

indicated by the presence of river bed, banks, hydrophytic vegetation, ordinary high water mark, and flood stage elevations. Waters of the State are defined in the Porter-Cologne Water Quality Control Act (California Water Code, Division 7) as "...any temporary or permanent occurrence of surface water or groundwater, including saline waters, within the boundaries of the state."

15. An immediate cleanup is needed because the rainy season is underway, and the heaviest rainstorms typically occur after December.
16. The discharge of waste to the San Diego River obstructs its natural surface flow and eliminates its ability to support beneficial uses and water quality functions in those portions of the tributary where the waste was discharged.
17. The discharge of waste to the San Diego River threatens the beneficial uses of the San Diego River through increased sediment loads and increased turbidity.
18. Restoration of the affected property adjacent to the San Diego River is needed to abate pollution and the threat of pollution associated with construction of parking lot, restore water quality needed to support Beneficial Uses, and restore the Beneficial Uses and water quality functions that have been lost as a result of the discharge of waste to the River and deposit of waste likely to be discharged to the River by erosion and storm water runoff. The waste, if not cleaned up, will continue to cause and threaten to cause conditions of pollution and nuisance. Without abatement, the effects of the waste threaten to unreasonably impair/degrade water quality needed to support the designated beneficial uses of the San Diego River.
19. Pursuant to CWC Section 13304, the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required, by this Order.
20. This enforcement action is being taken for the protection of the environment and, as such, is exempt from Chapter 3 provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 Et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.
21. This Cleanup and Abatement Order is necessary to ensure that remedial actions are completed by the Dischargers to cleanup and abate the effects of the discharge of waste from the Town & County Hotel to the San Diego River.
22. A technical report is necessary, because of violations noted in the Order, to document that remedial actions have been completed.
23. Deadlines for compliance established in this Order are final and enforceable upon issuance of the Order. The Regional Board, however, retains continuing jurisdiction over investigation and cleanup and abatement actions and may extend or adjust

deadlines and other directives as circumstances warrant. The Regional Board will consider reasonable requests for time extension that are supported by documentation of good cause.

IT IS HEREBY ORDERED that, pursuant to Section 13304, 13267 and 13383 of the California Water Code that C. Terry Brown, Atlas Hotel Management L.L.C., Town and Country Hotel L.L.C., Robert Edward Tyler, and American Asphalt & Concrete, or its agents, successors, or assigns (hereinafter Dischargers) shall conduct the following:

1. The Dischargers shall immediately cleanup the waste and abate all effects of the discharge of waste into waters of the State, and take any other remedial actions, which may be necessary to abate the existing and threatened effects of the discharged waste. All deposited waste (fill, asphalt, curbs, plumbing, lighting, ornamental plantings) shall be removed from the area affected by construction, including the River bed, bank, and floodplain by January 12, 2006. Cleanup and abatement activities shall be conducted in such a manner to avoid any further adverse impacts to the San Diego River.
2. The Dischargers shall immediately seek coverage under and implement the following requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ:
 - a. An effective and appropriate combination of sediment and erosion controls on all disturbed areas.
 - b. Specific Best Management Practices (BMPs) to prevent the discharge of sediment, gravel and sediment-laden water to The San Diego River.
 - c. BMPs to divert on-site drainage and concentrated storm water runoff from discharging to disturbed areas.
 - d. BMPs to eliminate the tracking of sediment onto public or private roads.
 - e. A comprehensive maintenance program to ensure continued BMP effectiveness.
3. Pursuant to California Water Code (CWC) section 13267 and 13383, the San Diego Regional Water Quality Control Board directs you to submit a Required Technical Report (RTR) received at the SDRWQCB no later than 5:00 PM, December 21, 2005. The RTR is required due to the violations noted in the enclosed Cleanup and Abatement Order. The RTR will be reviewed to assess the need for further possible enforcement actions. The RTR shall include the following Sections:
 - a) An Immediate Actions Section describing the reasons for the discharge of waste from the site into the San Diego River, and what immediate steps were taken to stop the illegal discharge.
 - b) A description of the parking lot project including objectives, timelines, and financing.
 - c) A graphic and textural description of the resources impacted including maps of project area showing the 1, 2, 5, 10, 25, 50 and 100-year storm River elevation.
 - d) Copies of all local, State and Federal Permits received for the parking lot project.

- e) A list of all contractors and subcontractors involved with the parking lot project.
- f) A description of the companies and companies operating under fictitious names that control the property at 500 Hotel Circle North, San Diego. The description shall include names and titles of all officers in those companies.
- g) Paper, digital or electromagnetic copies of transcripts or notes of any meetings pertaining to the parking lot project where "company" staff and/or officers were present.

The submitted Required Technical Report shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Note: All documents requiring signature shall be signed as follows:

"For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively."

4. By January 12, 2006, the Dischargers shall submit to the Regional Board a cleanup and abatement report documenting the cleanup and abatement of all waste discharged into waters of the State deposited where likely to be discharged. The cleanup and abatement report must include, but not be limited to:
 - a. Certification that all discharged waste (sediment, concrete, asphalt, piping, plumbing, ornamental plants, trash, and debris) has been removed from the bed, banks and floodplain so that the pollutants do not pose a threatened discharge to the San Diego River.

- b. Confirmation that all necessary approvals for the cleanup and abatement work were obtained, with a listing of the approvals obtained.
 - c. A detailed description of specific activities and methodologies used in removing all wastes.
 - d. A detailed description of measures (e.g., BMPs) implemented to prevent additional water quality impacts during and after the cleanup process.
 - e. A detailed description of measures implemented to comply with State Board Construction Storm Water Permit No. 99-08-DWQ and prevent additional water quality degradation from construction activities.
 - f. A detailed description of measures implemented to prevent further discharges of waste to waters of the State.
5. The Regional Board will establish the deadline for completion of Cleanup and Abatement actions after the Dischargers submit the Cleanup and Abatement Report to the Regional Board.
 6. The Dischargers shall dispose of all removed waste in a manner that complies with applicable codes and regulations, including Waste Discharge Requirements for discharge of solid waste, or conditions of waiver of Waste Discharge Requirements.
 7. The Dischargers shall obtain all necessary approvals (permits) from the California Department of Fish and Game, the U. S. Army Corps of Engineers, Regional Water Quality Control Board, and other applicable federal, state, and local authorities for any cleanup and restoration work.
 8. When the Dischargers become aware that they failed to submit any relevant facts in any report required under this Cleanup and Abatement Order, or submitted incorrect information in any such report, the Dischargers shall promptly submit such facts or information to the Regional Board. If the Dischargers become aware that they may not be able to comply with any deadline or other directive in this Cleanup and Abatement Order, the Dischargers shall promptly notify the Regional Board of the problem and the reasons therefore, and shall provide the Regional Board with documentation supporting extension of deadlines or such other adjustment as may be necessary to accommodate the problem.
 9. All documents submitted to the Regional Board shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

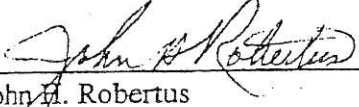
information, including the possibility of fines and imprisonment for knowing violations.

10. This CAO in no way limits the authority of this Regional Board to institute additional enforcement actions or to require additional investigation and cleanup at the facility consistent with California Water Code. This CAO may be revised by the Executive Officer as additional information becomes available

NOTIFICATIONS

Pursuant to CWC Section 13304, the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

Failure to comply with a cleanup and abatement order may result in further enforcement actions, including actions under Section 13265, 13268, 13350, 13385, and 13387 of the CWC, which allows for civil liability up to a maximum of twenty-five thousand dollars (\$25,000) for each day of violation.

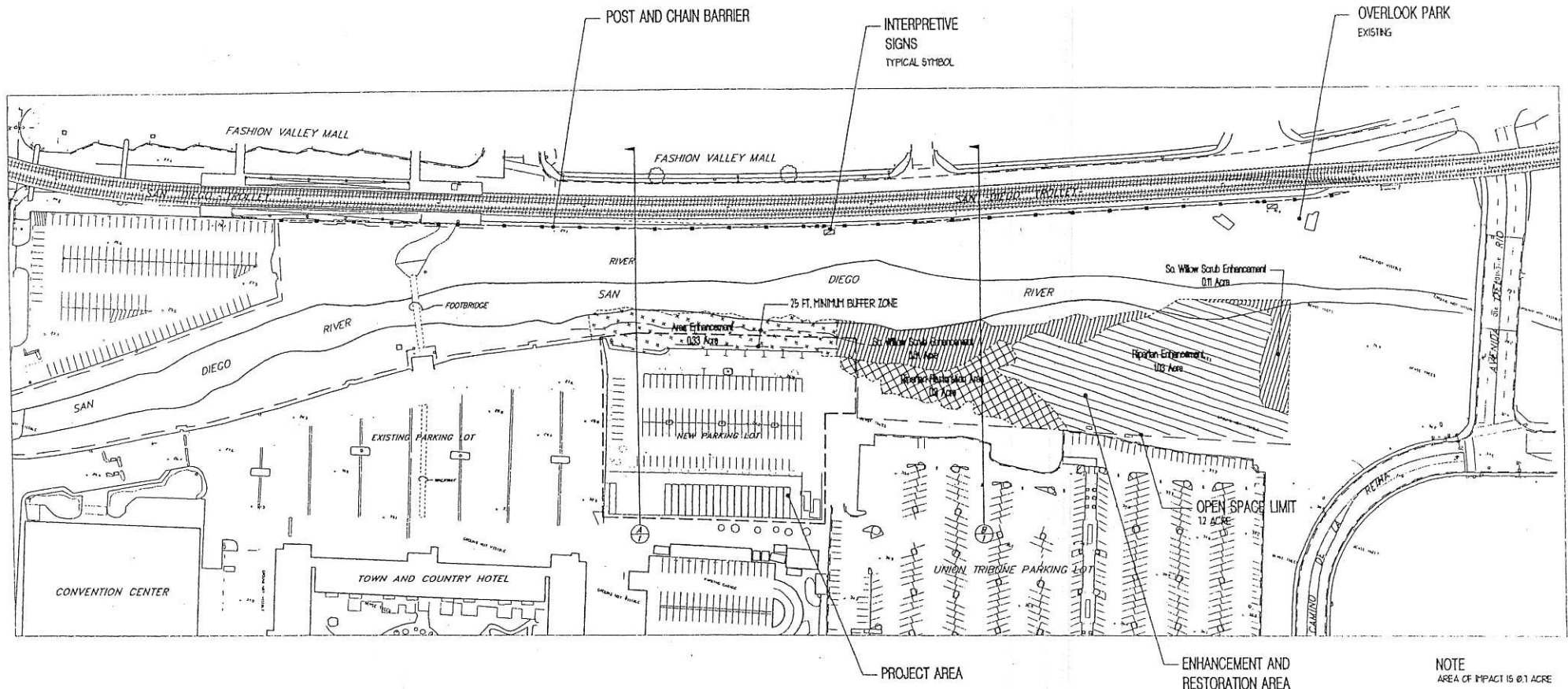


John H. Robertus
Executive Officer

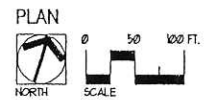
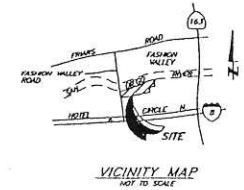
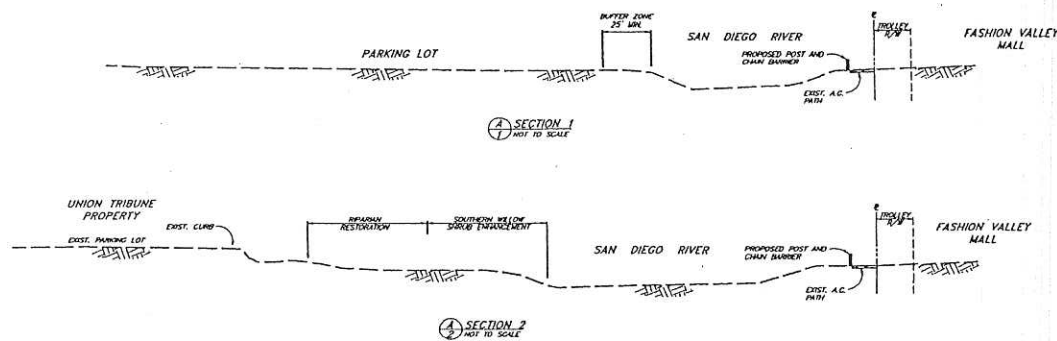
12/15/2005
Date

EXHIBIT "2"

Enhancement and Restoration Plan ATLAS ~ TOWN AND COUNTRY HOTEL



NOTE
AREA OF IMPACT IS 0.1 ACRE



ATTACHMENT 9

AHLES
LANDSCAPE
ARCHITECTURE
P.O. Box 1503
Rancho Santa Fe, California 92067
858/756-8961

PLANNING COMMISSION INITIATION APPROVAL RESOLUTION

PLANNING COMMISSION RESOLUTION NO. PC-4658

INITIATING AN AMENDMENT TO THE Atlas Specific Plan TO REMOVE the Town and Country Site from the Specific Plan and AMEND the Mission Valley Community Plan TO REDESIGNATE LAND FROM Commercial Recreation TO Multi-Use.

WHEREAS, on February 19th 2015, the Planning Commission of the City of San Diego held a public hearing to consider a request to amend the Atlas Specific Plan and Mission Valley Community Plan to remove a 39.4-acre site located at the intersection of Fashion Valley Road and Hotel Circle North Road north of Interstate 8 from Commercial Recreation to Multi-Use; and

WHEREAS the 2008 General Plan will be amended as the Mission Valley Community Plan is a component of the adopted general plan; and

WHEREAS, the Planning Commission considered Report No. PC-15-012 as well as all maps, exhibits, evidence and testimony; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby initiates the requested Community Plan and General Plan Amendment based on its compliance with the initiation criteria found in policy LU-D.10 of the Land Use Element of the General Plan and specifically addressed in Report No. PC-15-012; and

BE IT FURTHER RESOLVED that the Planning Commission directs staff to consider and identify how the design of the project will address the following issue(s):

Development

- Consistency with the offset distances and design criteria in the River Park Master Plan.
- Development along the San Diego River that activates the open space and faces the river and acts as a “front door.”
- Compatibility of the proposed amendment with the General Plan Urban Design goals and policies related to horizontal and vertical mixed-use development and development adjacent to natural features.
- Enhancement of access and views to the San Diego River from Hotel Circle North and the I-8 highway.
- Consistency with the design criteria in the Transit-Oriented Development Design Guidelines (adopted 1992).
- Provide a minimum 30 foot landscaped buffer to limit noise and air pollution to guests and residents along Fashion Valley Road & Hotel Circle North.
- Provide a health risk assessment to determine impacts of residential units within close proximity to the I-8.

Open Space

- Active and passive public spaces and 14 foot multi-modal trail along the San Diego River that connect to adjacent properties including but not limited to the Union-Tribune Mixed Use Project, Riverwalk Golf Course, Fashion Valley Transit Center and Fashion Valley Mall.
- Provide a 35 foot buffer from the floodway that incorporates the multi-modal trail and no new development, parking structures, or parking lots
- Provide open space and population based park in addition to and outside of the required habitat restoration areas per code enforcement impact.

Connectivity

- Coordinate with adjacent development to address cumulative traffic impacts and provide a traffic study to evaluate traffic demand of the proposed mix of land uses to serve the Town & Country Site and assess traffic impacts of the proposed amendment in conjunction with surrounding approved developments.
- Consider a comprehensive transportation demand management (TDM) program including but not limited to shared parking agreement, unbundled parking, transit pass subsidies, discounted and/or prioritized alternative fuel vehicle parking, and car-share programs.
- Provide a non-contiguous pedestrian connection along Fashion Valley and Hotel Circle North that connects to adjacent development.
- Provide Class 2 bicycle lanes along frontage of Fashion Valley Shopping Center and Hotel Circle North that connects to adjacent development and connects to city-wide and regional bicycle facilities.
- Provide an improved pedestrian and bicycle bridge over the San Diego River that provides a direct connection to the Fashion Valley Transit Center.
- Provide a pedestrian and bicycle connection from Hotel Circle North through the Town & Country Site to the San Diego River trail.

Housing

- Incorporate a range of 1 bedroom, 2 bedroom, and 3 bedroom unit types to provide for a variety of household sizes and household incomes.
- Consider the retail jobs surrounding the amendment site and consider incorporate affordable housing and workforce housing on-site.

Public Services and Facilities

- Full analysis of the availability and provision of public services and facilities, including on-site location of public facilities, such as neighborhood parks and/or community parks, a fire station to serve the community, and others deemed necessary.
- Coordinate with the San Diego Unified School District to address the need for public school facilities as a result of cumulative impacts associated with adjacent development.
- Public Facilities Financing Plan Amendment if the amendment results in a demand for public facilities that is different from the adopted Community Plan and Public Facilities Financing Plan.
- Comprehensive analysis and status of all public improvements identified in the Atlas Specific Plan as they relate to amendment site.

Conservation /Environmental Issues

- Adhere to adjacency guidelines and restoration policies for sensitive vegetation communities within Multiple Habitat Planning Area (MHPA) designated lands identified within the site, consistent with the Multiple Species Conservation Program (MSCP) Subarea Plan.
- Identify appropriate boundaries and development regulations to guide the development of Federal Emergency Management Agency (FEMA) mapped floodplain running along the San Diego River.
- Provide a hydrology study to evaluate flooding potential of the proposed mix of land uses to serve the Town & Country Site and assess impacts of the proposed amendment in conjunction with surrounding approved developments.
- Enhance groundwater recharge and consider sustainable water conservation such as:
 - Designing landscape that does not require a permanent irrigation system beyond a maximum two year establishment period.
 - Careful plant species selection that requires less water and smart sensor irrigation systems.
 - Permanent water meters for water subsystems including: irrigation, indoor plumbing fixtures and fittings, domestic hot water, reclaimed water, and process water (humidification systems, dishwashers, pools, etc)
- Meet stormwater regulations as identified by 2013 Municipal Separate Storm Sewer System (MS4) Permit (Order No. R9-2013-0001).
- Identify any design requiring grade changes exceeding 2 feet.

BE IT FURTHER RESOLVED, that this initiation does not constitute an endorsement of a project proposal. This action allows the future development project to become a complete submittal and will allow staff analysis to proceed.



Associate Planner

Initiated: February 19, 2015
By a vote of: 7-0

**Town and County Submittal Response to Planning Commission Resolution Recommendations
February 2017**

The following information is provided for the consideration of City staff in reviewing the consistency of the proposed Town and Country Master Plan submission with the Planning Commission Resolution No. PC-4658 dated February 19, 2015.

Project Development:

1. Consistency of the proposed Town and Country plan with the offset distances and design criteria in the SD River Park Master Plan.

Response: The Master Plan retains the existing Golden Pacific Ballroom and the Royal Palm Towers buildings located immediately adjacent to and partially within the regulatory floodway. These constraints preclude the implementation of the required setback, height and massing criteria of the River Corridor Area and River Influence Area. The proposed residential building on Lot 4 of the Residential District deviates from the setback requirements of the River Corridor Area in order to face the river and align with the massing and height step backs of the proposed development on the Union-Tribune property immediately to the east.

To implement the shared vision of the Master Plan and the SDRPMP some deviations are requested from the San Diego Municipal Code §1514.302 Mission Valley Planned District, River Subdistrict which implements the SDRPMP. The Master Plan details the minor deviations from regulations in the River Park District to accommodate the public park, the construction of the River Pathway to connect to a specific, previously approved, point at the east edge of the site, and the achievement of Transit-oriented Development goals.

The SDRPMP provides recommendations for achieving its five principles. On page 33 of that document, it is stated that "It is important to note that while each recommendation fits into the vision for the river, no single recommendation is meant to address every location or every situation along the length of the river". Such is the case with the Town and Country site. While site constraints make it not possible to specifically implement every recommendation of the SDRPMP, the Town and Country Master Plan (Master Plan) insures that the intent of the five principles are respected and achieved. This includes:

1. *Restore and Maintain a Healthy River System:* The Master Plan will implement a range of specific actions that meet the intent of the SDRPMP by restoring and maintaining a healthy river ecosystem. The project will provide improvements in several ways:
 - The portions of the Plan Area within the boundaries of the MHPA and wetland buffers will be restored or enhanced.
 - The width of native habitats at the most constricted section of the river will be increased from approximately 80 feet to up to 210 feet.

- The Master Plan will establish a wetland buffer and a variety of Low Impact Development (LID) strategies directly adjacent to the riparian corridor.
 - The Master Plan will replace approximately 1.7 acres of existing surface parking area south of the river with native habitats and/or park lands designed to enhance the River experience and enjoyment.
 - The Master Plan will replace approximately 1.3 acres of existing surface parking area north of the river with native habitats and/or park lands designed to enhance the river experience and enjoyment.
2. *Unify Fragmented Lands and Habitats:*
- The Master Plan will restore a key connecting section between currently fragmented natural habitats along the San Diego River.
 - The Master Plan significantly improves the quality and function of the San Diego River by improving water quality and enhancing the habitat area and width.
3. *Create a Connected Continuum:*
- The Master Plan will implement the San Diego River Pathway on both sides of the river. It will include a rebuilt non-vehicular 10-foot wide multi-use bridge across the river, providing connectivity between the Fashion Valley Mall and MTA Fashion Valley transit center to the north, and the hotel and residential to the south.
 - The Park District includes over 2,500 linear feet of multi-use pathways plus additional interconnecting pedestrian trails.
 - The Master Plan converts approximately 3.0 acres of existing surface parking areas or degraded areas north and south of the river into new trail corridors and park space that will create unique places and opportunities for special experiences along the San Diego River habitat corridor. Importantly, the Master Plan will provide all of the required population-based park acreage on-site in a highly visible and accessible location adjacent to the restored riparian open space.
4. *Reveal the River Valley History:*
- The Plan Area on-site public park and trail system is proposed to include interpretive way stations that convey the history of the river, the valley, its inhabitants and their impact on the ecology and efforts to control the river over time. These are learning opportunities covering a broad spectrum of information that will educate, and increase understanding and appreciation of the river and its history.
 - The Master Plan provides amenities along the River Pathway such as benches, picnic areas, overlooks, interpretive signs, and gathering areas.
5. *Reorient Development Toward the River:*
- The River is being improved and expanded, to enhance the overall user experience. Native riparian habitat, totaling 8.11 acres, will be restored and/or enhanced. The 3.31-acre public park is a key feature of the Master Plan for passive recreation activity..
 - New buildings in the adjacent Residential District are designed to face the river and create active spaces and entries opening onto the restored riparian open space and park. Residential windows, balconies, and common areas take advantage of river views and adjacencies.
 - A new exterior pre-function space for the Golden Pacific Ballroom will face the restored riparian open space.

- The Master Plan pedestrian and bicycle circulation network dramatically improves pedestrian access to and across the river as well as throughout the Plan Area connecting the Master Plan area to the MTS Fashion Valley transit center and Fashion Valley Mall.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4 River Park District, especially:
 - Tables 4.1, 4.2, and 4.3
 - Figures 4-3 and 4-4
 - Figure 5-2 River Influence Area Building Height Setback
 - Table 7-6 Master Planned Development Permit Deviations
 - Development Plan Package Sheets:
 - DP-01N Proposed Site Plan – North
 - LP-04 Project Restoration and Enhancement Plan
 - LP-06A SDRP – River Corridor and River Influence Areas
 - LP-06B SDRP – Access Plan
 - Sheet 34 of 40 Vesting Tentative Map
- 2. Development along the San Diego River that activates the open space and faces the river and acts as a “front door.”**

Response: In response to the SDRPMP, the proposed Town and Country Master Plan improves and activates the river corridor to enhance the overall user experience. This includes:

- The 11.57 acre River Park District provided in the Master Plan will restore and/or enhance 8 acres of riparian habitat. The Park District includes a 3.31-acre public park open space with passive recreation, trails and interpretive signage.
- The existing 6-foot wide pedestrian bridge over the river will be replaced with a 10-foot wide multi use pathway bridge to strengthen the connection of the MTS Fashion Valley transit center and Fashion Valley Mall directly to the Plan Area to further encourage orientation toward the river.
- Residential buildings are designed to face the river and create active spaces with doors to some units opening onto the restored riparian open space and park.
- Residential windows, balconies, and common areas take advantage of river views and adjacencies.
- The existing hotel loading dock located adjacent to the Golden Pacific Ballroom and adjacent to the river will be relocated away from the river to the south side of the Grand Exhibit Hall. This area will be renovated to provide pre-function space for the Golden Pacific Ballroom. This outdoor terrace will provide views directly to the restored riparian open space and public park.
- The Master Plan pedestrian and bicycle circulation network dramatically improves pedestrian access to and across the river as well as throughout the Plan Area connecting the Master Plan area, the MTS Fashion Valley transit center, and Fashion Valley Mall to the restored riparian habitat and open space amenities.

Town and Country Draft Master Plan (November 2016) Information Location:

- Figure 3-16 Pedestrian Circulation
- Section 4 River Park District, especially:
 - Tables 4.1, 4.2, and 4.3
 - Figures 4-3 and 4-4
- Figure 5-2 River Influence Area Building Height Setback
- Development Plan Package Sheets:
 - DP-01N Proposed Site Plan – North
 - DP-02N Proposed Site Plan – South
 - LP-06B SDRP – Access Plan

3. Compatibility of the proposed amendment with the General Plan Urban Design goals and policies related to horizontal and vertical mixed-use development and development adjacent to natural features.

Response: The Master Plan creates a compact, efficient, and environmentally-sensitive urban development pattern. It focuses future growth and infill development close to jobs, services, transit, and public facilities to maximize the use of existing infrastructure and preserve open space and natural resources. The resulting Hotel, Residential and River Park Districts are walkable and promote good community design. More housing and transportation choices are provided for those who live and work in in this TOD. This is directly in alignment with General Plan Urban Design goals and policies. The Master Plan TOD directly implements the "City of Villages" strategy and Urban Design Element by:

- Focusing growth into dense mixed-use pedestrian-friendly districts that are linked to the regional transit system.
- Encouraging the incremental redevelopment of aging buildings and sites.
- Implementing this strategy with the close coordination of land use and transportation planning as well as inter-jurisdictional coordination of regional planning efforts.
- Creating a unique compact pedestrian-friendly TOD with a convention hotel and multifamily residential focused on a public park and the restored open space along the San Diego River.
- Establishing a unifying site and building architectural language and cohesive theme for all land uses reinforced with architectural and site design guidelines contained in the Master Plan.
- Incorporating a corresponding implementation program to ensure cohesive urban design.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 1 Introduction, especially:
 - 1.3 Vision, Objectives and Analysis
 - 1.5.1 City of San Diego General Plan
- Section 3 Circulation, especially:
 - 3.1 Access to Transit
 - Figure 3-1 Walking Distance to Transit
 - Figure 3-16 Pedestrian Circulation

- Section 5 Residential District
- Section 6 Hotel District
- Development Plan Package Sheet:
 - G-02 Proposed Development Summary

4. Enhancement of access and views to the San Diego River from Hotel Circle North and the I-8 highway.

Response: The Master Plan includes a pedestrian and bicycle network and improvements within adjacent rights-of-way to facilitate access from the larger community area through the Plan Area to the San Diego River. This includes:

- The Master Plan pedestrian and bicycle circulation network significantly improves pedestrian access to and across the river as well as throughout the Plan Area connecting the Master Plan area to the MTS Fashion Valley transit center and Fashion Valley Mall.
- The sidewalk along Fashion Valley Road is accessible from Hotel Circle Drive North to River Walk Drive.
- A new 8-foot wide concrete sidewalk connects along Hotel Circle Drive North and Camino de la Reina to the sidewalk along the hotel entry drive.
- A new public access pathway extends north from Hotel Circle Drive at the hotel entry drive through the Plan Area to the river park along the tree-lined pedestrian corridor that connects the proposed residential, hotel, and park development.
- Hotel building access ways are proposed at three additional locations to provide hotel guests and visitors access to the public park, riparian open space, San Diego River Pathway.
- A network of sidewalks along internal Plan Area streets will create strong connections within the Plan Area and to the San Diego River.
- In addition to the internal sidewalk improvements, intersection traffic calming measures complement the walkability of the Plan Area street network through the use of curb extensions at select intersections.
- The Park District includes over 2,500 linear feet of multi-use pathways plus additional interconnecting pedestrian trails.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 3 Circulation, especially:
 - 3.4 Pedestrian Circulation
 - 3.5 Bicycle Circulation
 - Figure 3-16 Pedestrian Circulation
 - Figure 3-18 Bicycle Circulation

5. Consistency with the design criteria in the Transit-Oriented Development Design Guidelines (adopted 1992).

Response: The Master Plan supports the guiding principles of the City Transit-Oriented Development Design Guidelines (City of San Diego, 1992) as follows:

- Provides infill redevelopment that utilizes existing infrastructure by repurposing an existing developed site within Mission Valley that is already served by existing public infrastructure.
- Increases the efficiency of existing land uses by replacing certain existing low density hotel facilities and surface parking with higher density residential and parking structures
- Establishes land uses that reinforce the viability of the public transit system by adding 840 residential units within proximity to the Fashion Valley Transit center
- Creates a safe and convenient pedestrian and bicycle network by providing an important segment of the San Diego River Pathway, a new pedestrian and bicycle bridge over the river and bicycle lanes on Hotel Circle North and Camino De La Reina.
- Protects the natural environment and community character by restoring and enhancing the riparian ecosystem and constructing the San Diego River Pathway. This includes 2.76 acres of required habitat restoration, 4.74 acres of additional habitat restoration and enhancement and 2500 linear feet of San Diego River Pathway
- Employs sustainable building principles by designing the residential buildings to be consistent with LEED Silver standards
- Creates a vital and secure residential neighborhood convenient to transit through the improved, well maintained and appropriately illuminated connections between the residential buildings and the transit center.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 1 Introduction, especially:
 - 1.3 Vision, Objectives and Analysis
 - 1.5.1 City of San Diego General Plan
- Section 3 Circulation, especially:
 - 3.1 Access to Transit
 - Figure 3-1 Walking Distance to Transit
 - Figure 3-16 Pedestrian Circulation
- Development Plan Package Sheet:
 - G-02 Proposed Development Summary

6. Provide a minimum 30 foot landscaped buffer to limit noise and air pollution to guests and residents along Fashion Valley Road & Hotel Circle North.

Response: This buffer requirement is from the 1988 Atlas Specific Plan (Section V Urban Design Element, C. Site Specific Design Criteria, 1. Town and Country, page 5-81). The Town & Country site is being removed by amendment from the Atlas Specific Plan area and the requirements and authority of the Atlas Specific Plan will not be applicable to the Master Plan area in the future (see Town & Country Draft Master Plan, September 2015, Section 1.3.3 Atlas Specific Plan). The Master Plan proposes a minimum 15-foot landscape buffer along Fashion Valley Road, Hotel Circle North and Camino de la Reina. Along Hotel Circle North and Camino de la Reina, the minimum setback includes architectural building design criteria to mitigate noise and air pollution impacts as detailed in the noise and air quality technical studies.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 3 Circulation, especially:
 - Figure 3-6 Hotel Circle North Proposed Cross Section
 - Figure 3-7 (A, B, &C) Camino De La Reina Proposed Cross Sections
 - Figure 3-8 Fashion Valley Road Proposed Cross Section
- Development Plan Package Sheets:
 - DP-01S Proposed Site Plan - South
 - LP-01S Landscape Plan - South
- Noise Technical Report Town & Country Resort and Convention Center Redevelopment Project (AECOM, September 2015)
 - Table 8 Ambient Noise Measurement Data – Proposed Residences
 - Table 9 Traffic Noise Significance Thresholds
 - Section 7.3 Traffic Noise
 - Section 8.1 Mitigation Measures
- Air Quality Technical Study for the Town & Country Resort and Convention Center Redevelopment Project (AECOM, September 2015)
 - Section 4.2 Methodology (Figure 5. Highway HRA Receptor Grid)
 - Section 4.3 Project Impacts (Highway Health Risks)
 - Section 5.1 Conclusions
 - Section 5.2 Mitigation Measures (AQ-F)

7. Provide a health risk assessment to determine impacts of residential units within close proximity to I-8.

Response: The proposed project has the potential to expose sensitive receptors to pollutant concentrations from highway emissions that could result in a health risk. The Air Quality Technical Study determined that without mitigation this impact would be significant. Implementation of mitigation measures AQ-A through AQ-C of the *Air Quality Technical Study* would reduce the impact to a level of less than significant.

Town and Country Draft Master Plan (November 2016) Information Location:

- Air Quality Technical Study for the Town & Country Resort and Convention Center Redevelopment Project (AECOM, September 2015)
 - Section 4.2 Methodology (Figure 5. Highway HRA Receptor Grid)
 - Section 4.3 Project Impacts (Highway Health Risks)
 - Section 5 Conclusions and Mitigation Measures

Project Open Space:**8. Active and passive public spaces and 14 foot multi-modal trail along the San Diego River that connect to adjacent properties including but not limited to the Union-Tribune Mixed Use Project, Riverwalk Golf Course, Fashion Valley Transit Center and Fashion Valley Mall.**

Response: The Master Plan proposes a multi-modal pedestrian and bicycle network that provides multiple connections to the San Diego River, adjacent properties and the surrounding community. This network links various active and passive public spaces and publicly accessible recreational facilities including:

- The 14-foot-wide San Diego River Pathway comprising over 2,500 linear feet of multi-use pathways both north and south of the river as well as through the public park
- Improved pedestrian/bicycle bridge across the river
- Passive recreational amenities along the River Pathway such as benches, picnic areas, overlooks, interpretive signs, and gathering areas.
- Improved existing picnic area on north side of river
- Additional interconnecting pedestrian trails in the public park adjacent to the river
- Access ways leading to and through the Master Plan area.
- Additional interconnecting pedestrian trails in the public park adjacent to the river
- Low impact, shielded lighting along the River Pathway
- A Public Park expected to include: play areas, equipment, and furnishings for children , multipurpose turf area (native grasses) for informal play, gatherings, and events, picnic tables, waste and recycled materials receptacles, benches, and areas for quiet contemplation.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4 River Park District
 - 4.3.4 Population Based Park
 - 4.3.6 San Diego River Pathway
 - Figure 4-3 Population Based Park
- Development Plan Package Sheets:
 - LP-01N Proposed Site Plan - North
 - LP-21N Paving Plan - North

9. Provide a 35 foot buffer from the floodway that incorporates the multi-modal trail and no new development, parking structures, or parking lots.

Response: The Master Plan retains the existing Golden Pacific Ballroom and the Royal Palm Tower buildings located adjacent to the southern limit of the currently defined river floodway. The northern limit of the currently defined river floodway is approximately 300 feet north of the Master Plan Area within the Fashion Valley Mall property. In addition, the large concrete pylons supporting the MTS Trolley line run along the northern Plan Area boundary. In combination, these constraints limit the strict implementation of the required offset distances specified by the 35-foot Path Corridor, River Corridor Area and River Influence Area in the SDRPMP. However, despite these conditions, the Master Plan insures that the multi-modal trail along the restored riparian habitat and active and passive recreational areas will be quality public amenity and satisfy the intent of the SDRPMP.

The Master Plan proposes the construction of the multi-modal San Diego River Pathway within a 35' corridor on the north and south sides of the San Diego River connected by a new pedestrian and bicycle bridge across the river.

North of the river, the River Pathway is proposed to be constructed along the full extent of the northern Plan Area boundary from the northeast corner of the Plan Area to Fashion Valley Road. It will be constructed within the Plan Area but outside the MHPA and wetland buffer. South of the river the San Diego River Pathway is proposed to be constructed from the south end of the new pedestrian bridge but outside the MHPA and wetland buffer. This section of the San Diego River Pathway will extend eastward along the south side of the new public park to a point at the eastern Plan Area boundary

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4 River Park District, especially:
 - 4.3.5 San Diego River Park Master Plan Guidelines
 - 4.3.6 San Diego River Pathway
 - Figures 4-3 and 4-4
- Figure 5-2 River Influence Area Building Height Setback
- Table 7-6 Master Planned Development Permit Deviations
- Development Plan Package Sheets:
 - DP-01N Proposed Site Plan – North
 - LP-06A SDRP River Corridor and River Influence Areas

10. Provide open space and population based park in addition to and outside of the required habitat restoration areas per code enforcement impact.

Response: The proposed project Town and Country Master Plan provides 2.76 acres of required code enforcement impact restoration. Furthermore, the Master Plan provides an additional 5.35 acres of additional habitat restoration and enhancement for a total of 8.11 acres of riparian habitat. In addition there is a 0.15 acre water quality area making the total open space/habitat area 8.26 acres.

- 2.76 acres will be restored and enhanced per Mitigated Negative Declaration No. 118318 and Site Development Permit (SDP) No. 400602 approved by the Mission Valley Unified Planning Committee on April 2, 2008.
- 5.35 acres of existing disturbed areas within the MHPA and wetland buffers will be restored through the removal of invasive exotic species and the establishment of native habitats.

In addition to and outside of the required and additional habitat restoration, the Master Plan provides a 3.31-acre public park adjacent to the riparian open space. The population-based park requirement will be fulfilled entirely on-site (not by payment of in-lieu fees). In total the Master Plan provides 11.42 acres of restored or enhanced habitat and public park acreage. In addition, semi-private and private open space features are included throughout the Plan area.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4 River Park District, especially:
 - 4.3.2 Existing Site Development Permit
 - 4.3.3 Open Space Habitat
 - 4.3.4 Population Based Park
 - Tables 4.1, 4.2, and 4.3
 - Figures 4-2 and 4-3
- Development Plan Package Sheets:
 - DP-01N Proposed Site Plan – North
 - Sheet 34 of 40 Vesting Tentative Map

Project Connectivity

11. Coordinate with adjacent development to address cumulative traffic impacts and provide a traffic study to evaluate traffic demand of the proposed mix of land uses to serve the Town & Country Site and assess traffic impacts of the proposed amendment in conjunction with surrounding approved developments.

Response: The Town and Country project has coordinated with the neighboring former Union Tribune project to ensure consistent and seamless integration of design between the two projects, especially along the San Diego River.

Consistent with City Traffic Study guidelines, a traffic study has been prepared for the Town and Country project that analyzes the implications of the trips generated by the project on the local and regional roadway system. In addition, traffic impacts were also evaluated assuming background cumulative projects in the proximity of the site.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 3 Circulation
- Transportation Impact Analysis Town & Country Master Plan (Linscott, Law & Greenspan, November 2016)
 - Based on trip generation co-ordination with city staff in August and September 2015

12. Consider a comprehensive transportation demand management (TDM) program including but not limited to shared parking agreement, unbundled parking, transit pass subsidies, discounted and/or prioritized alternative fuel vehicle parking, and car-share programs.

Response: The Town and Country project proposes a Transportation Demand Management Plan that aims in reducing vehicular trips and associated air quality impacts and greenhouse gas emissions. The TDM program is based on project features that provide mobility options and support the Town and Country Master Plan as a Smart Growth Transit Oriented Development (TOD). The intent of the TDM program is to reduce peak period vehicle trips by creating a truly integrated mixed-use community that maximizes use of pedestrian and bicycle travel, transit, and carpools.

The project's TDM program will include the following measures:

- Provide a mixed-use, transit oriented development (TOD) that provides the appropriate setting for implementing TDM strategies and encouraging SANDAG Smart Growth development. With a 5-minute walking distance and an attractive and convenient transit center at Fashion Valley Mall, transit will be the most appealing transportation mode for the Town and Country residents, hotel guests, employees and visitors.
- Construction of the San Diego River Pathway on the north and south sides of the San Diego River through the Town and Country Park will include a multi-use trail for pedestrians and bicyclists. A south side River Pathway is also proposed that transitions southerly at the pedestrian bridge over the San Diego River and travels east connecting to the adjacent (Union Tribune) property.
- The existing pedestrian bridge is approx. 5' wide (non-standard for a multi-use path) and substandard and degraded. The project will demolish the bridge and build a new 10' wide bridge that meets standards for a multi-use path serving pedestrians and bicyclists connecting the site to the Fashion Valley transit center.
- The provision of carpool/vanpool parking spaces in preferentially located areas (closest to building entrances). These spaces would be signed and striped "carpool/vanpool parking only". Information about the availability of and the means of accessing the vanpool parking spaces could be posted on Transportation Information Displays located in retail back-offices, common area or on intranets, as appropriate.
- The provision of a charging station(s) for electric vehicles.
- The project will coordinate with local transit operators to provide input on how and when routes should be implemented to serve the area.
- To encourage the use of transit, the project is willing to provide up to 50% transit subsidy for 25% of the hotel employees for a period of three (3) years.
- Transportation information will be displayed in common areas to include, at a minimum, the following materials:
 - Ridesharing promotional materials, including the iCommute program.
 - Promotional materials for "Guaranteed Ride Home" programs like those provided by iCommute to ensure that residents / employees that carpool, vanpool, take transit, walk, or bike to work are provided with a ride to their home or location near their residence in the event that an emergency occurs during their work day.
 - Bicycle route and parking including maps and bicycle safety information.
 - Materials publicizing internet and telephone numbers for referrals on transportation information
 - Promotional materials provided by MTS and other publically supported transportation organizations
 - A listing of facilities at the site for carpoolers / vanpoolers, transit riders, bicyclists, and pedestrians, including information on the availability of preferential carpool / vanpool parking spaces and the methods for obtaining these spaces.
- Annual events will be held to promote the use of alternative transportation.
- The project will provide bicycle storage for hotel employees. For hotel guests, free bikes will also be available for use.
- The project will provide flexible work schedules to stagger arrivals and departures of hotel employees.

- The project will continue to provide shuttle services to and from the San Diego International Airport for hotel guests.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 3 Circulation
- Transportation Impact Analysis Town & Country Master Plan (Linscott, Law & Greenspan, November 2016)
 - Section 20 TDM Program

13. Provide a non-contiguous pedestrian connection along Fashion Valley and Hotel Circle North that connects to adjacent development.

Response: Public access pathways extend beyond the River Influence Area to connect the on-site residents and, importantly, the greater community to the Park, River Pathway and the transit center. The 8 foot sidewalks along Hotel Circle North and Camino De La Reina are not contiguous (not adjacent to the street) and are enhanced with a 6 foot parkway and a double row of trees providing pedestrian access to adjacent developments to the east and west.

Town and Country Draft Master Plan (November 2016) Information Location:

- 3.4 Pedestrian Circulation
- Figure 3-16 Pedestrian Circulation
- Transportation Impact Analysis Town & Country Master Plan (Linscott, Law & Greenspan, November 2016)
 - Section 14.2 Pedestrian Circulation and Linkages (Access Routes, Street Sidewalks)

14. Provide Class 2 bicycle lanes along frontage of Fashion Valley Shopping Center and Hotel Circle North that connects to adjacent development and connects to city-wide and regional bicycle facilities.

Response: The Master Plan provides a network of Class I, Class II, and Class III bikeways as follows:

- The 14-foot wide San Diego River Pathway is a Class I bike path that includes a 10- foot wide paved path with a 2-feet wide clear zone on each side.
- The Master Plan provides this Class I bike path along both the north and south sides of the river with a connecting segment via the rebuilt 10-foot wide multi-use bridge across the river.
- Along the north side of the river, the Class I bike path parallels Riverwalk Drive along the southern frontage of Fashion Valley Mall.
- The Master Plan proposes widening Hotel Circle North and Camino de la Reina along the project frontage to comply with the improvements proposed as a part of the San Diego Regional Bicycle Master Plan. The widening of Hotel Circle North and Camino de la Reina will include 6-foot-wide Class II bicycle lanes on both sides of the roadway. At the request of the City additional options on the north side of Camino De La Reina for either a two-way cycle track or a Class 1 two-way bikeway are included in the Master Plan.

- The project also proposes to restripe Fashion Valley Road between Riverwalk Drive and Hotel Circle North to accommodate a Class III bike route on both sides of the roadway.

Town and Country Draft Master Plan (November 2016) Information Location:

- 3.5 Bicycle Circulation
- Figure 3-18 Bicycle Circulation

15. Provide an improved pedestrian and bicycle bridge over the San Diego River that provides a direct connection to the Fashion Valley Transit Center.

Response: The existing 6 foot pedestrian bridge crossing the San Diego River will be replaced with a bridge 10 feet wide. This is consistent with the width of the 10 foot wide San Diego River Pathway and allows that width to accommodate pedestrians and bicyclists to extend undiminished across the river. The rebuilt bridge will provide connectivity between the Fashion Valley Mall and the MTS Fashion Valley transit center to the north, and the hotel and residential to the south.

Town and Country Draft Master Plan (November 2016) Information Location:

- 3.4.1 San Diego River Pathway
- Figure 3-16 Pedestrian Circulation

16. Provide a pedestrian and bicycle connection from Hotel Circle North through the Town & Country Site to the San Diego River trail.

Response: For pedestrians, a landscaped pedestrian connection will extend north-south through the central portion of the Plan Area. This pedestrian corridor will provide safe and convenient access to both residents and visitors in the Mission Valley community through the Master Plan area directly to the San Diego River Pathway.

For cyclists, the Master Plan provides a Class III bike route with shared lane markings through the Master Plan Area on Street D. This bike route will provide a north-south connection between the Class I multi-use San Diego River Pathway and the Class II bike lanes on Hotel Circle North and Camino de la Reina. The master plan also proposes to restripe Fashion Valley Road between Riverwalk Drive and Hotel Circle North to accommodate a Class III bike route on both sides of the roadway.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 3 Circulation, especially:
 - 3.4.2 Enhanced Pedestrian Facilities
 - 3.5 Bicycle Circulation
 - Figure 3-16 Pedestrian Circulation
 - Figure 3-18 Bicycle Circulation

Project Housing:

17. Incorporate a range of 1 bedroom, 2 bedroom, and 3 bedroom unit types to provide for a variety of household sizes and household incomes.

Response: The Master Plan Residential District will provide a range of unit types to serve a variety of household sizes and house hold incomes. The number of bedroom detail has not been determined.

18. Consider the retail jobs surrounding the amendment site and consider incorporate affordable housing and workforce housing on-site.

Response: The retail jobs in the area immediately surrounding the Town & Country site, that include a variety of wage rates, are located in the Fashion Valley Mall north of the site. The introduction of housing in proximity to those jobs provides an opportunity for some employees to work within walking distance of their employment location. Affordable housing for the Plan Area shall be provided in accordance with the of the City of San Diego Inclusionary Affordable Housing Ordinance (LDC Section 142.1300) and the San Diego Housing Commission's Implementation and Monitoring Procedures. This requirement will be satisfied by payment of the in-lieu fee.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 7.8 Affordable Housing

Project Public Services and Facilities

19. Full analysis of the availability and provision of public services and facilities, including onsite location of public facilities, such as neighborhood parks and/or community parks, a fire station to serve the community, and others deemed necessary.

Response: A full analysis of public services is included in the EIR. The entire population-based park requirement of 3.31 acres is being entirely satisfied by the construction of a new public park on-site. Other public existing off-site facilities are sufficient to and will serve the Plan Area. These include:

- San Diego Public Library System Mission Valley Library
- San Diego Unified School District Carson Elementary School (K-5), Montgomery Middle School (6-8), and Kearny High School (9-12)
- City of San Diego Fire-Rescue Department Fire Station 45
- City of San Diego Police Department Western Division Substation
- City of San Diego and Miramar Landfill Solid Waste Management

20. Coordinate with the San Diego Unified School District to address the need for public school facilities as a result of cumulative impacts associated with adjacent development.

Response: The Plan Area is served by existing facilities of the San Diego Unified School District (SDUSD). Nearby schools have sufficient capacity to serve future students from the Plan Area. Developers of the residential projects within the Plan Area will be responsible for the payment of fees associated with SDUSD service based on size of residential units and number of dwelling units

as established by SDUSD and in accordance with City development impact fees. Government Code section 65996 says that these fees are the exclusive way to mitigate impacts on schools.

21. Public Facilities Financing Plan Amendment if the amendment results in a demand for public facilities that is different from the adopted Community Plan and Public Facilities Financing Plan.

Response: The Mission Valley Public Facilities Financing Plan (MVPFFP) does not need to be amended as a result of this project. The Master Plan will fulfill the Development Impact fee obligations per agreement with the City in accordance with the MVPFFP. This fee will help mitigate the costs of public facilities e.g. transportation, library, park and recreation and fire.

22. Comprehensive analysis and status of all public improvements identified in the Atlas Specific Plan as they relate to amendment site.

Response:

The Amendment to the Atlas Specific Plan is to remove the Town and Country Site (a 39.4-acre site located at the intersection of Fashion Valley Road and Hotel Circle North Road north of Interstate 8) from the [Atlas] Specific Plan and amend the Mission Valley Community Plan to redesignate land from Commercial Recreation to Multi-Use. The 2008 General Plan will be amended as the Mission Valley Community Plan is a component of the adopted general plan. The requested Community Plan and General Plan Amendment bases its compliance with the criteria found in policy LU-D.10 of the Land Use Element of the General Plan and criteria specifically addressed in Report No. PC-15-012.

The result of the removal of the Town & Country site from the Atlas Specific Plan area is that the requirements and authority of the Atlas Specific Plan will not be applicable to the Master Plan area in the future.

The Atlas Specific Plan, adopted in 1988, included a range of public improvements that are outdated and contrary to contemporary plans. These public improvements are summarized below:

Infrastructure Improvement

Subject: Transportation

Premise: The land use type, density and vehicular trips identified in the Atlas Specific Plan as it relates to the Town and Country (T&C) site are very different from what is currently being proposed. The total average daily trips included in the Atlas Specific Plan for the T&C site was 18,400 trips. The current amendment generates a total of 14,985 trips, which are 3,415 trips lower than what was assumed. In fact, the proposed plan for the property generates no net new trips over current conditions.

The below list of transportation infrastructure improvements that's included in the Atlas Specific Plan was compared the current FY 2013 Mission Valley Public Facilities Financing Plan (PFFP) to determine if

any of the improvements have been completed or identify the appropriate responsible party as shown in the PFFP and/or if they were applicable to the current T&C site.

Atlas DIF Project Number: 5

Description: Increase capacity at I-8/Hotel Circle ramps (Interim)

Atlas Percentage: 33

Consistency with current plans and/or status: Per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Secondly, based on the CEQA analysis, the proposed T&C plan does not require this improvement to serve its traffic needs. Therefore, the proposed T&C plan is not required to construct this improvement.

Atlas DIF Project Number: 7

Description: Reconstruct Camino de la Reina from Napa to Fashion Valley *plus \$5,400,000 DIF FUNDS

Atlas Percentage: 22

Consistency with current plans and/or status: Per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Secondly, this segment is located on the Levi-Cushman property and the Town & Country property has no control over developing on the Levi-Cushman site nor does it require this improvement to serve its traffic needs. Therefore, based on the above, the proposed T&C plan is not required to construct this improvement.

Atlas DIF Project Number: 8A

Description: Restripe Hotel Circle South, remove parking, from I-8/Presidio to EB Hotel Circle ramps

Atlas Percentage: 40

Consistency with current plans and/or status: Based on the CEQA analysis, the proposed T&C plan does not require this improvement to serve its traffic needs. Furthermore, per the current Mission Valley PFFP, this improvement has been completed.

Atlas DIF Project Number: 8B

Description: Widen Hotel Circle South to four lanes from Camino de la Reina to EB Hotel Circle ramps

Atlas Percentage: 33

Consistency with current plans and/or status: Per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Secondly, the responsible parties for this improvement per the current Mission Valley PFFP include the Levi-Cushman Specific Plan (84.4%) and Presidio View (15.6%). Furthermore, based on engineering feasibility conducted by the Union Tribune project and Legacy International Center projects, this improvement has been deemed physically infeasible due to the proximity of building structures, driveway grade issues and spacing of interstate columns under I-8. Therefore, based on all of the above, the proposed T&C plan is not required to construct this improvement.

Atlas DIF Project Number: 10A

Description: Widen Hotel Circle North between WB I-8 ramps and Camino de la Reina

Atlas Percentage: 40

Consistency with current plans and/or status: Per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact on Hotel Circle North

between the I-8 WB ramps and Fashion Valley Road. Secondly, the responsible parties for this improvement per the current Mission Valley PFFP include the Levi-Cushman Specific Plan (79.7%) and Presidio View (20.3%). However, per CEQA guidelines, the proposed T&C plan is identified with a significant traffic impact on Hotel Circle North between Fashion Valley Road and Camino De La Reina. Therefore, the project will widen this roadway segment to 4-lanes and will responsible (100%) to construct this improvement.

Atlas DIF Project Number: 10B

Description: Construct Camino de la Reina from SR-163 to Fashion Valley Road

Atlas Percentage: 56

Consistency with current plans and/or status: Per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact on this segment. Secondly, the responsible party for this improvement per the current Mission Valley PFFP is the Levi-Cushman Specific Plan. Therefore, based on all of the above, the proposed T&C plan is not required to construct this improvement.

Atlas DIF Project Number: 11

Description: Widen existing Camino de la Reina from Avenida del Rio to Hotel Circle

Atlas Percentage: 18

Consistency with current plans and/or status: The responsible party for this improvement per the current Mission Valley PFFP is the Levi-Cushman Specific Plan (100%). However, per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with a significant traffic impact on Camino De La Reina between Hotel Circle North and its project driveway. Therefore, per CEQA guidelines, the project will widen this roadway segment to 4-lanes between Hotel Circle and project driveway and will responsible (100%) to construct this improvement. The mitigation measures for the recently approved Union Tribune project included widening this roadway to 4-lanes between the T&C project driveway to Avenida Del Rio as a part of its conditions of approval. The UT project provides an Irrevocable Offer of Dedication (IOD) and a Deferred Improvement Agreement (DIA) to construct this improvement.

Atlas DIF Project Number: 13

Description: Construct Via Las Cumbres

Atlas Percentage: 25

Consistency with current plans and/or status: Per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Secondly, this segment is located on the Levi-Cushman property and the Town & Country property has no control over developing on the Levi-Cushman site nor does it require this improvement to serve its traffic needs. Therefore, based on the above, the proposed T&C plan is not required to construct this improvement.

Atlas DIF Project Number: 14

Description: Add dual left turns for EB/NB SR-163/Friars Road

Atlas Percentage: 25

Consistency with current plans and/or status: Per the current Mission Valley PFFP for this project, the project is fully funded by several sources with no funding identified from the Atlas Specific Plan.

Secondly, per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Therefore, no mitigation measures are required and the proposed T&C plan is not required to construct this improvement. In addition, a major redesign of the SR 163/Friars Road Interchange project is currently being proposed that has been approved by City of San Diego Council and is expected to begin construction in early 2017. These improvements will be completed as a part of the interchange improvements.

Atlas DIF Project Number: 15

Description: Improve Hazard Center Road to a 4-lane major from Fashion Valley Road to Mission Center Road \$3,600,000 from DIF FUNDS

Atlas Percentage: 5

Consistency with current plans and/or status: The responsible party for this improvement per the current Mission Valley PFFP is the Hazard Center (100%). Secondly, per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Therefore, no mitigation measures are required and the proposed T&C plan is not required to construct this improvement. In addition, based on the design plans for the Hazard Center extension under SR 163 and discussions with the City staff, 4-lanes on Hazard Center Drive under SR 163 has been deemed physically infeasible. A two lane extension is currently being designed in support of the Hazard Center project.

Atlas DIF Project Number: 17

Description: Add third WB through-lane Friars Road at SR-163

Atlas Percentage: 25

Consistency with current plans and/or status: Based on the CEQA analysis, the proposed T&C plan does not require this improvement to serve its traffic needs. Furthermore, there are already 3 through lanes on WB Friars Road at SR 163.

Atlas DIF Project Number: 18

Description: At SR-163 and Friars Road, move NB on-ramps eastward, or replace with a loop or flyover

Atlas Percentage: 6

Consistency with current plans and/or status: Per the current Mission Valley PFFP for this project, the project is fully funded by several sources with no funding identified from the Atlas Specific Plan. Secondly, per City of San Diego Traffic Impact Study Guidelines and CEQA, the proposed T&C plan is calculated with no significant traffic impact at this location. Therefore, no mitigation measures are required and the proposed T&C plan is not required to construct this improvement. In addition, a major redesign of the SR 163/Friars Road Interchange project is currently being proposed that has been approved by City of San Diego Council and is expected to begin construction in early 2017. These improvements will be completed as a part of the interchange improvements.

Atlas DIF Project Number: 19A

Description: Widen Camino de la Reina to 4-lane major from SR-163 to Mission Center Road

Atlas Percentage: 5

Consistency with current plans and/or status: Based on the CEQA analysis, the proposed T&C plan does not require this improvement to serve its traffic needs. Furthermore, per the current Mission Valley PFFP, this improvement has been completed.

Infrastructure Improvement

Subject: Flood Control

Premise: The treatment of the San Diego River and the Mission Valley flood control approach has changed significantly since the Atlas Specific Plan (ASP) was adopted.

In 1988 the plan for the river corridor was to extend the First San Diego River Improvement Project (FSDRIP) throughout Mission Valley. This would result in containing the 100 year flood within a channelized river and maximizing the development area adjacent to the river.

In the 28 years since the ASP was adopted this design approach for the treatment of a river corridor and specifically the San Diego River in Mission Valley has changed. The new design approach is documented in the San Diego River Park Master Plan (SDRPMP) adopted in 2013. The SDRPMP calls for a river corridor comprised of the existing floodway and an adjacent pathway corridor.

With the removal of the Town & Country site from the ASP and the adoption of the Town & Country Master Plan the treatment of the San Diego river corridor will no longer be guided by the FSDRIP design approach which was incorporated into the ASP. It will be guided by the Town & Country Master Plan which is consistent with the five principles of the SDRPMP.

Project Conservation /Environmental

23. Adhere to adjacency guidelines and restoration policies for sensitive vegetation communities within Multiple Habitat Planning Area (MHPA) designated lands identified within the site, consistent with the Multiple Species Conservation Program (MSCP) Subarea Plan.

Response: The Master Plan is in compliance with the Multiple Species Conservation Program (MSCP) which preserves a network of habitat and open space, protects bio-diversity and enhances the region's quality of life. Portions of the Plan Area within the boundaries of the MHPA and wetland buffers will be restored or enhanced.

- Approximately 8.11 acres of restoration and enhancement of the riparian open space habitat.
- Approximately 5.35 acres of existing disturbed areas within the MHPA and wetland buffers will be restored through the removal of invasive exotic species and the establishment of native habitats. Additionally approximately 0.15 acres of water quality area will be established.
- Approximately 2.76 acres will be restored and enhanced per Mitigated Negative Declaration No. 118318 and Site Development Permit (SDP) No. 400602 approved by the Mission Valley Unified Planning Committee on April 2, 2008.

- All these areas will be cleaned of litter and solid waste on a regular basis under an ongoing

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4.3.3 Open Space Habitat
- Figure 4-2 Mitigation, Restoration and Enhancement Areas
- Development Plan Package Sheets:
 - LP-03 Site Development Permit#400602 Restoration and Enhancement Area
 - LP-04 Project Restoration and Enhancement Plan
 - LP-05 Revegetation Notes
- Biological Technical Report Town & Country Project (AECOM, November 2016)
 - Section 2.3 Local Programs
 - Figure 5 Vegetation Communities and other Land Cover Types
 - Section 4.4.3 Multi-Habitat Planning Area
 - Section 5.1 Direct Impacts
 - Section 5.2 Indirect Impacts

24. Identify appropriate boundaries and development regulations to guide the development of Federal Emergency Management Agency (FEMA) mapped floodplain running along the San Diego River.

Response: The boundaries and regulations have been identified. The Master Plan floodplain boundaries and regulations adhere to FEMA regulations per the current Flood Insurance Rate Map (FIRM) Number 06073C1618G, revised May 16, 2012 and Code of Federal Regulations (CFR). 2002. Title 44 Emergency Management and Assistance, Chapter 1 Federal Emergency Management Agency, Department of Homeland Security, Parts 59, 60, 65, and 70, as amended. No habitable structures are proposed within the regulatory floodway. The finished floor elevations of all new structures are in compliance with CFR as well as the more stringent City of San Diego Municipal Code. The construction of new structures within the floodplain will trigger the FEMA Conditional Letter of Map Revision (CLOMR)/LOMR process.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4.4 Floodway and Storm Water
- Hydrology & Hydraulics Study Town and Country (Fusco Engineering, November 2016)
 - Section 1.4 FEMA Flood Plain
 - Appendix F Reference Plans (Flood Insurance Rate Map)

25. Provide a hydrology study to evaluate flooding potential of the proposed mix of land uses to serve the Town & Country Site and assess impacts of the proposed amendment in conjunction with surrounding approved developments.

Response: Per the Hydrology & Hydraulics Study, the majority of the site is in the 100 year flood plain (Zone AE) with a base flood elevation of 35 using the NAVD88 datum. That elevation is roughly equivalent to an elevation of 33 using the NGVD 29 datum which the aerial topography is based on.

Portions of the site where new construction will occur will be raised several feet above the base flood elevation. A CLOMR-F will be filed with FEMA in order construct and remove the proposed buildings out of the flood plain as well as detail impacts (if any) to the size of the flood plain or impacts (if any) to the flood plain in relation to property outside the boundary of the Master Plan Area.

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4.4 Floodway and Storm Water
- Hydrology & Hydraulics Study Town and Country (Fusco Engineering, November 2016)
 - Section 1.4 FEMA Flood Plain

26. Enhance groundwater recharge and consider sustainable water conservation such as:

1. **Designing landscape that does not require a permanent irrigation system beyond a maximum two year establishment period.**

Response: Revegetation and restoration areas in the river corridor will not require permanent irrigation.

2. **Carefully selecting careful plant species that require less water and smart sensor irrigation systems.**

Response: A water-wise Mediterranean plant material palette is incorporated into the planting plan. All irrigation shall be programed to utilize water-wise hydrozones.

Town and Country Draft Master Plan (November 2016) Information Location:

- Development Plan Package Sheet LP-02 Landscape Legend and Notes

3. **Permanent water meters for water subsystems including: irrigation, indoor plumbing fixtures and fittings, domestic hot water, reclaimed water, and process water (humidification systems, dishwashers, pools, etc.).**

Response: Permanent water meters for water subsystems will be included in the final water system design.

27. Meet storm water regulations as identified by 2013 Municipal Separate Storm Sewer System (MS4) Permit (Order No. R9-2013-0001).

Response: The Master Plan is in compliance with recent changes to the new MS-4 permit which include more stringent requirements for implementation of source control and site design practices to minimize pollution generation. The Master Plan includes the requirements of three tiers of Best Management Practices (BMPs):

- Implement Low Impact Development (LID) BMPs to retain 100% of the runoff from the 24-hour 85th percentile storm event (Design Capture Volume).

- If retention is not feasible, implement biofiltration to treat 1.5 times the Design Capture Volume, or a flow-through biofiltration BMP with capture volume of 0.75 times the Design Capture Volume.
- If biofiltration is not feasible, implement flow-through treatment control BMPs on-site and perform alternative compliance

Town and Country Draft Master Plan (November 2016) Information Location:

- Section 4.4.2 Storm Water Management Facilities
- Hydrology & Hydraulics Study Town and Country (Fusco Engineering, November 2016)
 - Appendix D BMP/DMA Exhibit
 - Appendix E BMP Sizing
- Preliminary Water Quality Technical Report Town and Country (Fusco Engineering, November 2016)
 - Section 4.0 Post Construction BMPs

28. Identify any design requiring grade changes exceeding 2 feet.

Response: Cut/fill detail to be provided as part of final grading plan.

Town and Country Draft Master Plan (November 2016) Information Location:

- Hydrology & Hydraulics Study Town and Country (Fusco Engineering, November 2016)
 - Section 1.4 FEMA Flood Plain, page 3
- Development Plan Package (sheets 35 and 36 of 40) Preliminary Grading Plan



Federal Emergency Management Agency

Washington, D.C. 20472

March 15, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Kevin L. Faulconer
Mayor, City of San Diego
City Administration Building
202 C Street, 11th Floor
San Diego, CA 92101

IN REPLY REFER TO:

Case No.: 17-09-0754R
Community Name: City of San Diego
Community No.: 060295

Dear Mayor Faulconer:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that, if constructed as proposed, could revise the effective Flood Insurance Study report and Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Oakland, California, at (510) 627-7175, or the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: Mr. Jamal Batta, P.E., CFM
Floodplain Manager
City of San Diego

Mr. Wayne W. Chang, P.E.
Principal
Chang Consultants



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	City of San Diego San Diego County California	FILL	UPDATED TOPOGRAPHIC DATA HYDRAULIC ANALYSIS
	COMMUNITY NO.: 060295		
IDENTIFIER	Town and Country Vesting Tentative Map No. 1499943	APPROXIMATE LATITUDE & LONGITUDE: 32.764, -117.176 SOURCE: GOOGLE EARTH DATUM: NAD 83	
AFFECTED MAP PANELS			
TYPE: FIRM* NO.: 06073C1618G DATE: May 16, 2012		* FIRM - Flood Insurance Rate Map	

FLOODING SOURCE AND REACH DESCRIPTION

San Diego River - from approximately 3,000 feet downstream of U.S. Highway 163 to approximately 1,500 feet downstream of U.S. Highway 163

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
San Diego River	Fill Placement	from approximately 3,000 feet downstream of U.S. Highway 163 to approximately 1,500 feet downstream of U.S. Highway 163

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
San Diego River	Floodway	Floodway	None	None
	BFEs*	BFEs	Yes	None
	Zone AE	Zone X (unshaded)	Yes	Yes
	Zone AE	Zone X (shaded)	Yes	None

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State law have been received. State, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION (CONTINUED)

ADDITIONAL FLOODING SOURCES AFFECTED BY THIS CONDITIONAL REQUEST

FLOODING SOURCE(S) AND REACH DESCRIPTION

San Diego River - from approximately 3,000 feet downstream of U.S. Highway 163 to approximately 1,500 feet downstream of U.S. Highway 163

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
San Diego River	Zone X (shaded)	Zone X (shaded)	None	None

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

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Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source:		BFE Change (feet)	Location of maximum change
San Diego River			
Existing vs. Effective	Maximum increase	0.7	approximately 1,750 feet downstream of U.S. Highway 163
	Maximum decrease	0.0	N/A
Proposed vs. Existing	Maximum increase	0.0	N/A
	Maximum decrease	0.1	approximately 1,700 feet downstream of U.S. Highway 163
Proposed vs. Effective	Maximum increase	0.4	approximately 1,500 feet downstream of U.S. Highway 163
	Maximum decrease	0.0	N/A

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included.
- Form 2, entitled "Riverine Hydrology & Hydraulics Form".
- Form 3, entitled "Riverine Structures Form".
- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- Hydraulic analyses, for as-built conditions, of the base (1-percent-annual-chance) flood and the 10-percent, 2-percent, and 0.2-percent annual-chance floods and regulatory floodway, together with a topographic work map showing the revised floodplain boundary delineations. Please ensure that the revised information ties into the currently effective information at the downstream and upstream ends of the revised reach.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised floodplain and floodway boundary delineations shown on the submitted work map and how they tie into the floodplain and floodway boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- A copy of the public notice distributed by your community, stating its intent to revise the regulatory floodway, or a signed statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.
- Documentation of the notification to property owners who will be affected by any widening/shifting of the base floodplain and/or any BFE increases along the San Diego River.
- A letter stating that your community will adopt and enforce the modified regulatory floodway, OR, if the State has jurisdiction over either the regulatory floodway or its adoption by your community, a copy of your community's letter to the appropriate State agency notifying it of the modification to the regulatory floodway and a copy of the letter from that agency stating its approval of the modification.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

• FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at <https://www.fema.gov/forms-documents-and-software/flood-map-related-fees>. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse
3601 Eisenhower Avenue, Suite 500
Alexandria, VA 22304-6426

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Jeffrey D. Lusk
Director, Mitigation Division
Federal Emergency Management Agency, Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607-4052
(510) 627-7175

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION GRANTING MASTER PLANNED DEVELOPMENT PERMIT NO. 1499941 SITE DEVELOPMENT PERMIT NO. 1499942, CONDITIONAL USE PERMIT NO. 1904584, TOWN AND COUNTRY - PROJECT NO. 424475 [MMRP], AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT/CONDITIONAL USE PERMIT NO. 88-0585, AND AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 400602

WHEREAS, HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602, for a master plan development within a premises consisting of three project districts (River Park District, Hotel District and Residential District) that includes the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet), construction of a total 840 residential units with incorporated parking structures on four lots, restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center, on a 39.72-acre parcel of land known as the Town and Country project (Project); and

WHEREAS, the project site is located at 500 Hotel Circle North in the OF-1-1 Zone and the Mission Valley Planned District (MVPD) MV-M/SP zone within the Atlas Specific Plan and the Mission Valley Community Plan area, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project is located within the Airport Land Use

Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2) as depicted in the adopted Airport Land Use Compatibility Plans (ALUCPs) and the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field; and

WHEREAS, the property is legally described within Exhibit A, which is an attachment to the Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584; and

WHEREAS, on June 15, 2017, the Planning Commission of the City of San Diego considered Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602, and pursuant to Resolution No. PC-_____ voted to recommend approval; and

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

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, amendment to

Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site

Development Permit No. 400602:

A. Planned Development Permit - Section 126.0604

1. Findings for all Planned Development Permits - Section 126.0604(a)

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

The 39.72-acre project site is located at 500 Hotel Circle North, and is bounded to the south by Hotel Circle North and Camino De La Reina, to the west by Fashion Valley Road, to the north by Riverwalk Drive and Fashion Valley Mall, and to the east by the former the San Diego Union-Tribune property. Interstate-8 is located immediately to the south of Hotel Circle North and Camino De La Reina. The site in the MVPD MV-M/SP zone of the Mission Valley Planned District Ordinance (MVPDO) (proposed to be rezoned to MVPD-MV-M) and the northern portion of the site is zoned OF-1-1, and is within the Mission Valley Community Plan (MVCP) and the Atlas Specific Plan.

The project proposes the consolidation, renovation, and infill redevelopment of the Town and Country Hotel and Convention Center site. The project proposes a Master Plan that would guide the redevelopment of the site consisting of three project districts (River Park District, Hotel District and Residential District). Critical proposed elements of the Master Plan includes the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet), construction of a total 840 residential units with incorporated parking structures on four lots, restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center.

The land use designation, as amended to Multi-Use, would introduce multi-family residential development on a site that contains commercial, recreational, and hotel uses. The proposed amendment would establish parameters for site development that tie into a multi-modal circulation network by providing a pedestrian and bicycle bridge to the Fashion Valley Trolley Station, multimodal pathway along the river, and Class II bike facilities along Fashion Valley Road and Hotel Circle North. The proposed amendment would also identify park and open space uses along the San Diego River and include specific provisions for revegetation and enhancement opportunities, plaza and open space to create a front door to the River, and connect to adjacent properties. The addition of residential development near public

transit would be consistent with the goals and policies for transit-oriented development of the General Plan and Community Plan.

The proposed development would incorporate current public park space and development guidelines and policies to be consistent with the River Park Master Plan. The River Park Master Plan establishes a vision, principles and recommendations for areas near the San Diego River and identifies river corridor area and sensitive development area adjacent to the River floodway. Therefore, with the adoption of the Land Use Plan Amendment (LUPA) and Rezone, the proposed development would not adversely affect the applicable land use plan.

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

An Environmental Impact Report (EIR) No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking.

The permit for the project includes various conditions and referenced exhibits relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if

designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The following are the proposed 19 deviations, relevant code sections and requirements, and justifications for the deviations:

- 1) Minimum Lot Area within the OF-1-1 zone (Open Space-Floodplain)- A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot area of 10 acres. This request allows the project a lot area of 1.70-acres for Lot B, 8.26-acres for Lot C, and 1.61-acres for Lot D;
- 2) Minimum Lot Width within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot width of 500 feet. This request allows the project a lot width of less than 500 feet for Lots C and D (lot width varies);
- 3) Street Frontage within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum street frontage of 500 feet. This request allows the project a minimum street frontage less than 500 feet for Lot C and Lot D;
- 4) Lot Depth within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot depth of 500 feet. This request allows the project a minimum lot depth of less than 500 feet for Lot B from Private Drive E;
- 5) Structures within Floodways (River Park District) – A deviation from SDMC Section 143.0145(e)(2), which does not permitted permanent structures within the floodway. This request allows for specific existing permanent structures, specific improvements associated with the passive public park, Private Drive E and associated directional signage within the floodway;
- 6) Flowage Easement (River Park District) – A deviation from SDMC Section 143.0146(a)(4), which requires that a flowage easement to the City shall be granted for that portion of the property within a floodway. This request allows the existing hotel/convention center structures that are located within the currently defined floodway to be outside of the flowage easement;
- 7) River Corridor Area (River Park District) – A deviation from SDMC Section 1514.0302(c), which requires the alignment of the River Pathway to be within the Path Corridor. This request allows the following within the River Corridor Area: Existing Hotel buildings with certain

improvements that includes parking and Private Drive E, River Pathway outside of the Path Corridor and within Floodway, construction of new residential building and site improvements on Lot 4 within Path Corridor, and shielded lighting along River Pathway within Floodway directed away from river and Multi-Habitat Planning Areas;

8) River Influence Area Lot Coverage (River Park District) – A deviation from SDMC Section 1514.0302(d) (1), which requires a maximum of 65-percent lot coverage for any development on a lot wholly or partially within 115 feet of the River Corridor Area. This request allows the project an 85-percent lot coverage for development on Residential Lot 4;

9) River Influence Area Building Height (River Park District) – A deviation from SDMC Section 1514.0302(d)(2), which requires a series of tiers that establish a minimum set back and maximum building height from the River Corridor Area per SDMC Table 1514-03C and Diagram 1514-03C. This request allows the project to use the same setbacks and height within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area;

10) River Influence Area Massing (River Park District) – A deviation from SDMC Section 1514.0302(d)(2), which requires a maximum massing setback from the edge of the River Corridor Area per SDMC Table 1514-03C. This request allows the project to use the same maximum massing setback within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area;

11) Fences (River Park District) – A deviation from SDMC Section 1514.0302(d)(13) limits fences within 10 feet of outer limit of River Corridor Area. This request allows the proposed fences for Residential Lot 4 building entrances and terraces, and along Riverwalk Drive within River Corridor Area;

12) Sidewalks/Parkways (River Park District) – A deviation from SDMC Section 1514.0402(b)(1), which requires minimum average widths for sidewalks and parkways per SDMC Table 1514-04A. This request allows for a 8-foot clear corridor sidewalk and a 6-foot landscaped parkway along Fashion Valley Road (new construction only) and Camino de la Reina, and 10-foot multi-modal River Pathway in lieu of pedestrian sidewalk on south side of the Riverwalk Drive;

13) Street Frontage (Residential District) – A deviation from SDMC Section 1514.0304(d)(1), which requires a minimum of 70 feet of public street frontage. This request allows for no public street frontage for Lot 3

and 4, since Lot 3 would provide a 366-foot private drive frontage and Lot 4 would provide a 448-foot private drive frontage;

14) Street Yard Area (Residential District) – A deviation from SDMC Section 1514.0304(e)(1), which requires a minimum street yard area of 25 feet multiplied by the street frontage length plus an incremental factor of 0.25 feet for each foot of building elevation over 24 feet. This request allows for a minimum 15-foot street yard area x length of street frontage for new construction;

15) Parking and Building Setbacks and Incremental Building Setback (Residential District) – A deviation from SDMC Section 1514.0304(e)(2) and (3), which requires incremental setback for the street, side, and rear setbacks per SDMC Table 1514-03H. This request allows for a side yard setback for Lot 1 of 10-foot with no additional incremental setback along the eastern side yard, and for Lot 2, Lot 3, and Lot 4 a 10-foot side yard setback but no additional incremental setback along eastern and western side yards, except Lot 3 has a 5-foot side yard setback along eastern side yard. In addition, the request allows for Lots 1, 2, and 3 a 10-foot rear yard setback with no additional incremental setback, and for Lot 4 a 10-foot rear yard setback facing river with incremental setback as illustrated in Master Plan Figure 5-2;

16) Exterior Usable Open Space (Residential District) – A deviation from SDMC Section 1514.0304(f)(2), which requires a minimum of 156 square feet of usable open area per dwelling unit. This request allows for a minimum 100 square feet of usable open area per dwelling unit;

17) Structural Development Coverage (Residential District) – A deviation from SDMC Section 1514.0304(g), which allows a maximum of 50-percent structural development coverage. This request allows for a 55-percent maximum structural development coverage (calculated over gross acreage of residential zone);

18) Maximum Structural Coverage (Hotel District) – A deviation from SDMC Section 1514.0304(g), which allows a maximum of 50-percent structural development coverage. This request allows for a 60-percent structural development coverage, excluding any fence wall, retaining wall, pier, post, sign, parking space, terrace, deck, paved area, pool cabana, spa, or swimming pool;

19) Yards and Setback Requirements (Hotel District) – A deviation from SDMC Section 1514.0305(e)(1), which requires a minimum 20-foot street yard factor x length of street frontage, and a building setbacks of 15 feet street yard, 10 feet side yard, and 15 rear yard. All setbacks have additional incremental setback of 0.2 feet for every foot of building elevation of 24 feet. This request allows for a minimum 15-foot street

yard factor and a 10-foot side yard factor multiplied by the length of street frontage for new construction. In addition, the request allows for a side yard and rear yard building setback of 10 feet with no additional incremental setback.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing underutilized hotel structure for residential use, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC. In addition, the proposed development will assist in accomplishing the goal of the City by providing market-rate housing opportunities in transit-friendly areas near employment centers. Therefore, with the approval of the requested deviations, the proposed development is in conformance with the applicable regulations of the Land Development Code (LDC).

B. Site Development Permit - Section 126.0504 and 1514.0201

1. Findings for all Site Development Permits - Section 126.0504(a)

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

As outlined within Master Planned Development Permit Finding (A)(1)(a), listed above, with the adoption of the LUPA and Rezone, the proposed development would not adversely affect the applicable land use plan.

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

As outlined within Master Planned Development Permit Finding (A)(1)(b), listed above, the proposed development would not be detrimental to the public health, safety and welfare.

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

As outlined within Master Planned Development Permit Finding (A)(1)(c), listed above, with the approval of the requested deviations, the proposed development is in conformance with the applicable regulations of the LDC.

2. Supplemental Site Development Permits Findings-Environmentally Sensitive Lands- Section 126.0504(b).

a. 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 topography of the project site is relatively flat and ranges from an elevation of about 19 feet above mean sea level (AMSL) to about 29 feet AMSL. The northern portion of the project site is within the Federal Emergency Management Agency (FEMA) Regulatory Floodway of the San Diego River (FIRM Map Number 06073C1618G, revised May 16, 2012). The floodway covers the northern 13.31-acres of the project site. Existing wetland buffers and habitat areas cover approximately 7-acres. The majority of this area is undeveloped open space, and a portion is currently developed as parking in support of the hotel and convention center. The project site is entirely within the floodplain of the San Diego River (Zone AE).

The existing site conditions include surface parking within the floodway. The project proposes to retain a portion of the surface parking and develop the remainder of this area with public recreation facilities including a new public park with trails and passive recreation areas. The remaining portion of the project site is currently within the 100-year floodplain Zone AE. The project proposes to construct all new residential structures and new hotel buildings such that the lowest finished floor elevation of all new habitable structures is two feet or more above the Base Flood Elevation (BFE) (water surface elevation for a 100-year flood event). The project proposes to construct all new residential parking structures attached to habitable structures such that the finished floor elevation of the lowest level of parking structure is at or above the BFE per FEMA requirements.

The project proposes to construct a new parking structure for hotel use that is not attached to any habitable structures. The finished floor elevation of the lowest level of parking of this structure is below the BFE but includes flood proofing measures and elevation of electrical equipment above BFE; thus it is permitted per FEMA requirements. To accommodate the construction of new structures within the floodplain, on March 15, 2017, FEMA issued a Conditional Letter of Map Revision (CLOMR) for the project. No certificates of occupancy will be granted or bonds released for the development associated with this project until a Letter of Map Revision (LOMR) is obtained by FEMA (Permit Condition No. 41).

EIR No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to

approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking. 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.

b. 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 topography of the project site is relatively flat and ranges from an elevation of about 19 feet AMSL to about 29 feet AMSL. The northern portion of the project site is within the FEMA Regulatory Floodway of the San Diego River (FIRM Map Number 06073C1618G, revised May 16, 2012). The floodway covers the northern 13.31-acres of the project site. Existing wetland buffers and habitat areas cover approximately 7-acres. The majority of this area is undeveloped open space, and a portion is currently developed as parking in support of the hotel and convention center. The project site is entirely within the floodplain of the San Diego River (Zone AE).

The existing site conditions include surface parking within the floodway. The project proposes to retain a portion of the surface parking and develop the remainder of this area with public recreation facilities including a new public park with trails and passive recreation areas. The remaining portion of the project site is currently within the 100-year floodplain Zone AE. The project proposes to construct all new residential structures and new hotel buildings such that the lowest finished floor elevation of all new habitable structures is two feet or more above the BFE. The project proposes to construct all new residential parking structures attached to habitable structures such that the finished floor elevation of the lowest level of parking structure is at or above the BFE per FEMA requirements.

The project proposes to construct a new parking structure for hotel use that is not attached to any habitable structures. The finished floor elevation of the lowest level of parking of this structure is below the BFE but includes flood proofing measures and elevation of electrical equipment above BFE; thus it is permitted per FEMA requirements. To accommodate the construction of new structures within the floodplain, on March 15, 2017, FEMA issued a CLOMR for the project. No certificates of occupancy will be granted or bonds released for the development associated with this project until a LOMR is obtained by FEMA (Permit Condition No. 41).

The Geotechnical letter and Geologic Reconnaissance prepared by Geocon Inc. was prepared for the project, which indicated the project site with a Hazard Category 31: Liquefaction, High Potential-Shallow Groundwater, major drainages, hydraulic fills. Potential for liquefaction exists at the project site due to groundwater at a depth of 8 to 14 feet and presence of alluvial

soils. Groundwater elevations are dependent on seasonal precipitation, irrigation, and land use among other factors, and vary as a result of these factors. The project site is not underlain by active, potentially active, or inactive faults, and the site is not located in a State of California Earthquake Fault Zone. The geotechnical recommendations identified in the Geotechnical Report have been incorporated into the final design of the project.

The SDMC includes regulations pertaining to brush management (Section 142.0412) and construction materials for development near open space (Chapter 14, Article 5) to minimize fire risk. In addition, the proposed new development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA.

EIR No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

Critical proposed elements of the project includes the restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor. Approximately 6.98-acres of the project are located within the City's Multiple Species Conservation Program (MSCP) Subarea, and a portion of the Multi-Habitat Planning Area (MHPA) bisects the northern portion of the Biological Study Area (BSA) developed for the site.

The project has a potential for indirect impacts to the MHPA along the northern and eastern boundaries. The MSCP Subarea Plan provides Land Use Adjacency Guidelines to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, barriers, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species. Due to the site's location in relation to the MHPA, the project would be required to comply with the Land Use Adjacency Guidelines as discussed in the Biological Resources Section 4.4 (included within the MMRP).

The topography of the project site is relatively flat and ranges from an elevation of about 19 feet AMSL to about 29 feet AMSL. The northern portion of the project site is within the FEMA Regulatory Floodway of the San Diego River (FIRM Map Number 06073C1618G, revised May 16, 2012). The floodway covers the northern 13.31-acres of the project site. Existing wetland buffers and habitat areas cover approximately 7-acres. The majority of this area is undeveloped open space, and a portion is currently developed as parking in support of the hotel and convention center. The project site is entirely within the floodplain of the San Diego River (Zone AE).

The existing site conditions include surface parking within the floodway. The project proposes to retain a portion of the surface parking and develop the remainder of this area with public recreation facilities including a new public park with trails and passive recreation areas. The remaining portion of the project site is currently within the 100-year floodplain Zone AE. The project proposes to construct all new residential structures and new hotel buildings such that the lowest finished floor elevation of all new habitable structures is two feet or more above the BFE. The project proposes to construct all new residential parking structures attached to habitable structures such that the finished floor elevation of the lowest level of parking structure is at or above the BFE per FEMA requirements.

The project proposes to construct a new parking structure for hotel use that is not attached to any habitable structures. The finished floor elevation of the lowest level of parking of this structure is below the BFE but includes flood proofing measures and elevation of electrical equipment above BFE; thus it is permitted per FEMA requirements. To accommodate the construction of new structures within the floodplain, on March 15, 2017, FEMA issued a CLOMR for the project. No certificates of occupancy will be granted or bonds released for the development associated with this project until a LOMR is obtained by FEMA (Permit Condition No. 41). Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

Critical proposed elements of the project includes the restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor. Approximately 6.98-acres of the project are located within the MSCP Subarea, and a portion of the MHPA bisects the northern portion of the BSA developed for the site.

The project has a potential for direct and indirect impacts to special-status plant and wildlife species as a result of the project. The City's MSCP Subarea Plan provides Land Use Adjacency Guidelines to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, barriers, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species. Due to the site's location in relation to the MHPA, the project would be required to comply with the Land Use Adjacency Guidelines as discussed in the Biological Resources Section 4.4 and included within the MMRP.

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

The 39.72-acre project site is located at 500 Hotel Circle North, and is bounded to the south by Hotel Circle North and Camino De La Reina, to the west by Fashion Valley Road, to the north by Riverwalk Drive and Fashion Valley Mall, and to the east by the San Diego Union-Tribune property. Interstate-8 is located immediately to the south of Hotel Circle North and Camino De La Reina. The site is approximately 4.91-miles from the public beaches and local shoreline, and includes Best Management Practices (BMPs) appropriate for the site. A Storm Water Quality Management Plan would be implemented with the project.

EIR No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking. Therefore, the project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. 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.

EIR No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking.

The permit for the project includes various conditions and referenced exhibits relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. With the decision-maker approval of the Candidate Findings and Statement of Overriding Considerations, the nature and extent of mitigation required as a condition of the permit is reasonably related to the proposed development.

3. Mission Valley Planned District Findings- Section 1514.0201(d)(3)

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

As outlined within Master Planned Development Permit Finding (A)(1)(a), listed above, with the adoption of the LUPA and Rezone, the proposed development would be consistent with the applicable land use plans.

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

The project proposes the consolidation, renovation, and infill redevelopment of the Town and Country Hotel and Convention Center site. The project proposes a Master Plan that would guide the redevelopment of the site consisting of three project districts (River Park District, Hotel District and Residential District). Critical proposed elements of the Master Plan includes the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet), construction of a total 840 residential units on four lots and associated parking structures, restore the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center.

EIR No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and

Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking. Therefore, the proposed development does provide the required public facilities and is compatible with adjacent open space areas.

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

The project is consistent with the MVPD "Guidelines for Discretionary Review" because a context-sensitive approach was used to address the relationship between the development and adjacent natural features, such as providing a gradual transition in scale from open areas and new development. By clustering neighborhood commercial uses near residential developments, maximizing the open space and recreational areas, and facilitate access to community resources such as the San Diego River and light rail transit line.

Furthermore, by locating new residential and park uses in a Transit Priority Area immediately adjacent to the Fashion Valley Transit Station, the proposed transit-oriented, mixed-use project fulfills the integrated use approach as recommended in the MVCP and the General Plan City of Villages strategy, and will help achieve the mode share goals of the Climate Action Plan.

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

As outlined within Master Planned Development Permit Finding (A)(1)(c), listed above, with the approval of the requested deviations, the proposed development is in conformance with the applicable regulations of the SDMC.

C. Conditional Use Permit - Section 126.0405

1. Findings for all Conditional Use Permits

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

As outlined within Master Planned Development Permit Finding (A)(1)(a), listed above, with the adoption of the LUPA and Rezone, the proposed development would not adversely affect the applicable land use plan.

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

As outlined within Master Planned Development Permit Finding (A)(1)(b), listed above, the proposed development would not be detrimental to the public health, safety and welfare.

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

As outlined within Master Planned Development Permit Finding (A)(1)(c), listed above, with the approval of the requested deviations, the proposed development is in conformance with the applicable regulations of the LDC.

d. The proposed use is appropriate at the proposed location.

A Planned Commercial Development/Conditional Use Permit No. 88-0585 was approved on September 6, 1989, to implement the Atlas Specific Plan. The existing Conditional Use Permit No. 88-0585 is being amended to remove conditions of approval pertaining to the Atlas Specific Plan, and to incorporate the existing convention center and exhibit hall uses within the new Conditional Use Permit. The existing convention center and exhibit hall requires a Conditional Use Permit in accordance with SDMC Section 141.0409. Therefore, the proposed use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED that Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602, are granted to HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO OF THE CITY OF SAN DIEGO, CALIFORNIA, ON _____.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By _____

NAME

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

R- INSERT

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24005875

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MASTER PLANNED DEVELOPMENT PERMIT NO. 1499941
SITE DEVELOPMENT PERMIT NO. 1499942
CONDITIONAL USE PERMIT NO. 1904584
TOWN AND COUNTRY - PROJECT NO. 424475 [MMRP]
AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT/
CONDITIONAL USE PERMIT NO. 88-0585
AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 400602
CITY COUNCIL

This Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584 (amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602) is granted by the City Council of the City of San Diego to HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0305, 126.0504, and 126.0604. The 39.7-acre site is located at 500 Hotel Circle North in the OF-1-1 Zone and the Mission Valley Planned District (MVPD) MV-M/SP zone within the Atlas Specific Plan and the Mission Valley Community Plan area, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project is located within the Airport Land Use Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2) as depicted in the adopted Airport Land Use Compatibility Plans (ALUCPs) and the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field. The project site is legally is described within attached Exhibit A;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a master plan development within a premises consisting of three project districts (River Park District, Hotel District and Residential District) that includes the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet), construction of a total 840 residential units with incorporated parking structures on four lots, restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center, described and identified by size, dimension, quantity, type, and location on the approved exhibits and Master Plan [Exhibit "A"] dated _____, on file in the Development Services Department.

The project shall include:

a. Phase I Development:

1) River Park District

- Creation of 8.1-acres of restored riverine open space habitat, which includes the restoration and enhancement areas under Site Development Permit No. 400602 and to fulfill the mitigation requirements of Mitigated Negative Declaration No. 118318;
- Construction of approximately 3.31-acres of new passive public parkland;
- Creation of 14-foot-wide San Diego River Pathway located within floodway open space.

2) Hotel District

- Demolition of existing structures containing 254 hotel rooms (Royal Palm and Regency Towers to remain), 35,635 square feet of convention space, a 14,298-square-foot building containing the spa; 25,652 square feet of food and beverage buildings, and a 63,500-square-foot parking garage;
- Removal of approximately 416 surface parking spaces;
- Consolidation and renovation of the hotel, which includes the remaining 700 guest rooms;
- Consolidation and renovation of the remaining 177,137 square feet of convention center;
- Construction of a new lobby, food and beverage facilities, main pool area, and loading dock.
- Construction of a new four-story parking structure providing 430 parking spaces with architectural shade structures that cover 50-percent of each rooftop parking spaces.

3) Residential District

- Construction of two new residential structures providing at least the minimum number of parking spaces required by the Master Plan, architectural shade structures will cover 50-percent of each rooftop parking spaces; and
- Construction of multi-family dwelling units configured on Lot 1 and 2 consistent with the dwelling range permitted in Table 7-2 of the Master Plan;

b. Phase II Development:

1) Residential District

- Construction of two new residential structures providing at least the minimum number of parking spaces required by the Master Plan, architectural shade structures will cover 50-percent of each rooftop parking spaces; and
- Construction of multi-family dwelling units configured on Lot 3 and 4 consistent with the dwelling range permitted in Table 7-2 of the Master Plan;

c. Deviations from the SDMC:

- 1) Minimum Lot Area within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot area of 10 acres. This request allows the project a lot area of 1.70-acres for Lot B, 8.26-acres for Lot C, and 1.61-acres for Lot D;
- 2) Minimum Lot Width within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot width of 500 feet. This request allows the project a lot width of less than 500 feet for Lots C and D (lot width varies);
- 3) Street Frontage within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum street frontage of 500 feet. This request allows the project a minimum street frontage less than 500 feet for Lot C and Lot D;
- 4) Lot Depth within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot depth of 500 feet. This request allows the project a minimum lot depth of less than 500 feet for Lot B from Private Drive E;
- 5) Structures within Floodways (River Park District) – A deviation from SDMC Section 143.0145(e)(2), which does not permit permanent structures within the floodway. This request allows for specific existing permanent structures, specific improvements associated with the passive public park, Private Drive E and associated directional signage within the floodway;
- 6) Flowage Easement (River Park District) – A deviation from SDMC Section 143.0146(a)(4), which requires that a flowage easement to the City shall be granted for that portion of the property within a floodway. This request allows the existing hotel/convention center structures that are located within the currently defined floodway to be outside of the flowage easement;
- 7) River Corridor Area (River Park District) – A deviation from SDMC Section 1514.0302(c), which requires the alignment of the River Pathway to be within the Path Corridor. This request allows the following within the River Corridor Area: Existing Hotel buildings with certain improvements including parking and Private Drive E, River Pathway outside of the Path Corridor and within Floodway, construction of new residential building and site improvements on Lot 4 within Path Corridor, and shielded lighting along River Pathway within Floodway directed away from river and Multi-Habitat Planning Areas;
- 8) River Influence Area Lot Coverage (River Park District) – A deviation from SDMC Section 1514.0302(d) (1), which requires a maximum of 65-percent lot coverage for any development on a lot wholly or partially within 115 feet of the River Corridor Area. This

request allows the project a 85-percent lot coverage for development on Residential Lot 4;

- 9) River Influence Area Building Height (River Park District) – A deviation from SDMC Section 1514.0302(d)(2), which requires a series of tiers that establish a minimum setback and maximum building height from the River Corridor Area per SDMC Table 1514-03C and Diagram 1514-03C. This request allows the project to use the same setbacks and height within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area;
- 10) River Influence Area Massing (River Park District) – A deviation from SDMC Section 1514.0302(d)(2), which requires a maximum massing setback from the edge of the River Corridor Area per SDMC Table 1514-03C. This request allows the project to use the same maximum massing setback within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area;
- 11) Fences (River Park District) – A deviation from SDMC Section 1514.0302(d)(13) limits fences within 10 feet of outer limit of River Corridor Area. This request allows the proposed fences for Residential Lot 4 building entrances and terraces, and along Riverwalk Drive within River Corridor Area;
- 12) Sidewalks/Parkways (River Park District) – A deviation from SDMC Section 1514.0402(b)(1), which requires minimum average widths for sidewalks and parkways per SDMC Table 1514-04A. This request allows for a 8-foot clear corridor sidewalk and a 6-foot landscaped parkway along Fashion Valley Road (new construction only) and Camino de la Reina, and 10-foot multi-modal River Pathway in lieu of pedestrian sidewalk on south side of the Riverwalk Drive;
- 13) Street Frontage (Residential District) – A deviation from SDMC Section 1514.0304(d)(1), which requires a minimum of 70 feet of public street frontage. This request allows for no public street frontage for Lot 3 and 4, since Lot 3 would provide a 366-foot private drive frontage and Lot 4 would provide a 448-foot private drive frontage;
- 14) Street Yard Area (Residential District) – A deviation from SDMC Section 1514.0304(e)(1), which requires a minimum street yard area of 25 feet multiplied by the street frontage length plus an incremental factor of 0.25 feet for each foot of building elevation over 24 feet. This request allows for a minimum 15-foot street yard area x length of street frontage for new construction;
- 15) Parking and Building Setbacks and Incremental Building Setback (Residential District) – A deviation from SDMC Section 1514.0304(e)(2) and (3), which requires incremental setback for the street, side, and rear setbacks per SDMC Table 1514-03H. This request allows for a side yard setback for Lot 1 of 10-foot with no additional incremental setback along the eastern side yard, and for Lot 2, Lot 3, and Lot 4 a 10-foot side yard

setback but no additional incremental setback along eastern and western side yards, except Lot 3 has a 5-foot side yard setback along eastern side yard. In addition, the request allows for Lots 1, 2, and 3 a 10-foot rear yard setback with no additional incremental setback, and for Lot 4 a 10-foot rear yard setback facing river with incremental setback as illustrated in Master Plan Figure 5-2;

- 16) Exterior Usable Open Space (Residential District) – A deviation from SDMC Section 1514.0304(f)(2), which requires a minimum of 156 square feet of usable open area per dwelling unit. This request allows for a minimum 100 square feet of usable open area per dwelling unit, including exterior and interior usable common active or passive recreation space;
 - 17) Structural Development Coverage (Residential District) – A deviation from SDMC Section 1514.0304(g), which allows a maximum of 50-percent structural development coverage. This request allows for a 55-percent maximum structural development coverage (calculated over gross acreage of residential zone);
 - 18) Maximum Structural Coverage (Hotel District) – A deviation from SDMC Section 1514.0304(g), which allows a maximum of 50-percent structural development coverage. This request allows for a 60-percent structural development coverage, excluding any fence wall, retaining wall, pier, post, sign, parking space, terrace, deck, paved area, pool cabana, spa, or swimming pool;
 - 19) Yards and Setback Requirements (Hotel District) – A deviation from SDMC Section 1514.0305(e)(1), which requires a minimum 20-foot street yard factor x length of street frontage, and a building setbacks of 15 feet street yard, 10 feet side yard, and 15 rear yard. All setbacks have additional incremental setback of 0.2 feet for every foot of building elevation of 24 feet. This request allows for a minimum 15-foot street yard factor and a 10-foot side yard factor multiplied by the length of street frontage for new construction. In addition, the request allows for a side yard and rear yard building setback of 10 feet with no additional incremental setback.
- d. The residential buildings would be designed to be consistent with U.S. Green Building Council Leadership in Energy and Environmental Design (USGBC LEED) Silver standards or equivalent;
 - e. Landscaping (planting, irrigation and landscape related improvements);
 - f. Off-street parking;
 - g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife 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

CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

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

11. 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.

12. This Permit includes a phasing plan. The sequence of development activities on site shall be consistent with the project description in the Final Environmental Impact Report (FEIR) No.424475/SCH No. 2015121066. Any Changes to the construction phases shall substantially conform to the FEIR to ensure impacts are avoided.

13. This Permit supersedes Planned Commercial Development/Conditional Use Permit No. 88-0585, and replaces and supersedes Site Development Permit No. 400602.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

15. The mitigation measures specified in the MMRP and outlined in ENVIRONMENTAL IMPACT REPORT NO.424475/SCH NO. 2015121066, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in ENVIRONMENTAL IMPACT REPORT NO.424475/SCH NO. 2015121066, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Transportation/Circulation
 Historical Resources (Archaeological and Built Environment)
 Air Quality
 Noise

17. The Development Services Department (DSD) Director's Environmental Designee (ED) and the Planning Department shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the Permit Conditions requirements are incorporated into the design.

18. In addition, the ED and Planning Department shall verify that the Permit Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/PLANNING DEPARTMENT REQUIREMENTS."**

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.

19. The Construction Protection Monitoring Construction shall be implemented in conjunction with the Land Use – Multiple Species Conservation Plan (MSCP) Land use Adjacency Guidelines (LUAG) and Restoration/Enhancement Plan permit conditions. The Construction Protection

Monitoring Construction shall be implemented throughout construction of Phase I and Phase II:

I. Prior to Construction

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:**
General Avian: To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If

nesting birds are detected, a letter report or mitigation plan 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.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

Western Red Bat: To avoid and minimize impacts to the western red bat (*Lasiurus blossevillei*), the biological monitor shall conduct a pre-construction survey for this special-status bats within and immediately adjacent to the development area if grading or vegetation clearing/trimming is proposed in or adjacent to native habitat during the typical bat breeding season defined by the City's MSCP Subarea Plan (i.e., March–September). If surveys show that bats are present and may be impacted directly or indirectly by construction activities, these activities shall be delayed until the end of the breeding season or until surveys by a qualified biologist confirm that bats are no longer present, or the project biologist will work with the appropriate wildlife agencies (i.e., USFWS and/or CDFW) to determine appropriate avoidance measures (e.g., avoidance buffers).

- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located

during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD.

LAND USE – MULTIPLE SPECIFIC CONSERVATION PLAN LAND USE ADJACENCY GUIDELINES REQUIREMENTS:

20. The Land Use – MSCP LUAG shall be implemented in conjunction with the Construction Protection Monitoring Construction and Restoration/Enhancement Plan permit conditions. The Land Use – MSCP LUAG shall be implemented throughout construction of Phase I and Phase II.

21. Prior to issuance of any construction permit or notice to proceed, DSD-Land Development Review (LDR), and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

- A. **Grading/Land Development/MHPA Boundaries** – No grading will occur within or directly adjacent to the MHPA. MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- B. **Drainage** – All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration

devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

- C. **Toxics/Project Staging Areas/Equipment Storage** – Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*
- D. **Lighting** – Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Barriers** – New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- F. **Invasives** – No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- G. **Brush Management** – New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.
- H. **Noise** – Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction

noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: Least Bell's vireo (March 15 through September 15) and Southwestern Willow Flycatcher (May 1 through August 30). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring. When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

22. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the **Least Bell's vireo** are shown on the construction plans:

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 mitigation measures would be necessary.

RESTORATION AND ENHANCEMENT PLAN REQUIREMENTS:

23. The Restoration and Enhancement Plan shall be implemented by the Owner/Permittee in conjunction with the Construction Protection Monitoring Construction and Land Use – Multiple Species Conservation Plan (MSCP) Land Use Adjacency Guidelines (LUAG) permit conditions:

I. Prior to Permit Issuance

- A. *Land Development Review (LDR) Plan Check*
 - 1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building

Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to 1.74 acres oak riparian woodland restoration, 3.53 acres of southern cottonwood-willow riparian forest enhancement, 1.46 acres of southern cottonwood-willow riparian forest restoration, and 1.37 acre of coastal sage scrub restoration 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 Attachment B of the Restoration and Enhancement Plan for the project prepared by AECOM (2017).

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 *upland/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. PQB must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. 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 (BMPs) 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.

III. 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 impacts related to

improvements to the existing pedestrian bridge which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. A total of 0.13 acre of sensitive vegetation communities would be impacted during improvements to the existing pedestrian bridge. Impacts resulting from bridge improvements would be temporary in nature and associated with a construction work area around the existing bridge. New footings/abutments for the improved bridge would not be constructed. In addition, approximately 0.01 acre of southern cottonwood-willow riparian forest would be graded to create a drainage channel between a new outfall structure (located in the stormwater management area) and the existing river channel. Lastly, approximately 3.80 acres of other vegetation communities and land covers (i.e., eucalyptus woodland, disturbed habitat, and urban/developed) would be impacted with construction of the stormwater management area (including water quality basin and outfall structure) and public park space (including the San Diego River Pathway). **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 (CSV). The CSV'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 CSV 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, including those wetlands, waters and riparian habitats protected under the jurisdiction of USACE, CDFW, RWQCB, and the City (southern cottonwood-willow riparian forest, emergent wetlands, coastal and valley freshwater marsh, and open water), as shown on the approved LCD.
6. The PQB shall provide a letter to MMC that limits of potential disturbance have 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 CSV.

8. PQB shall verify in writing on the CSV'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.

IV. 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 PQB/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.

B. 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.

C. 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.

LAND USE (NOISE - GENERAL PLAN CONSISTENCY) REQUIREMENTS:

24. Prior to issuance of any residential building permit, the Owner/Permittee shall submit an exterior to interior noise analysis to identify appropriate sound transmission reduction measures necessary to achieve an interior noise level that would not exceed 45 dBA as identified in the Acoustical Analysis (July 2016) prepared by AECOM, Inc. Construction documents shall fully illustrate the incorporation of the following, as necessary:

To achieve a noise reduction level of 15 to 20 bBA, the following noise reduction measures shall be required:

- a. Air Conditioning or mechanical ventilation;
- b. Double-paned glass;
- c. Solid core doors with weather stripping and seals;

To achieve a noise reduction of 20 to 25 dBA where exterior noise levels exceed 65 dBA CNEL, attenuation measures a, b, c, in addition to attenuation measures d, e, and f shall be required:

- d. Stucco or brick veneer exterior walls or wood siding with one-half inch thick fiberboard underlayer;
- e. Glass portions of windows and/or doors shall not exceed 20 percent;
- f. Exterior vents facing noise source shall be baffled;

To achieve a noise reduction of 20 to 25 dBA where exterior noise levels exceed 70 dBA CNEL, attenuation measures a, b, c, d, e, f, in addition to attenuation measures g, and h shall be required:

- g. Interior sheetrock of exterior walls attached to studs by resilient channels or double walls;
- h. Window assemblies, doors, wall construction materials and insulation shall have a lab-tested Standard Transmission Class (STC) rating of 40 or greater.

25. Prior to issuance of Final Inspection/Occupancy, the Owner/Permittee shall submit two copies of the final acoustical report with construction documents to the Building Inspector, to verify that

interior acoustical levels of 45 dBA have been achieved as identified in the approved technical report.

AIR QUALITY REQUIREMENTS:

26. Prior to issuance of any residential construction permits, the Owner/Permittee shall identify on construction documents the following:

A. The Owner/Permittee shall be required to install air filtration devices rated with a minimum efficiency reporting value of 13 or higher (MERV-13) in the intake of ventilation systems for Residential Parcels 1, 2, and 3. HVAC systems shall be installed with a fan unit designed to force air through the MERV filter. Prior to issuance of a residential building permits, the Owner/Permittee shall demonstrate on the Construction Documents (CD), (plans, specification, details, etc.) compliance with this measure. To ensure long-term maintenance and replacement of the MERV filters in the individual residential units, the owner/property manager of residential units shall maintain and replace MERV filters in accordance with the manufacturer's recommendations. The owner/property manager shall keep a record of activities related to maintenance of the filters.

B. The Owner/Permittee shall be required to design residential buildings on Residential Parcels 1, 2, 3, and 4 so that the air intakes are on the northern and/or western sides of the buildings and away from I-8 and SR-163, to the extent feasible.

HEALTH AND SAFETY REQUIREMENTS:

27. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Owner/Permittee shall submit a concurrence letter issued by the County of San Diego Department of Environmental Health (DEH), Voluntary Assistance Program indicating that the technical information, findings, and recommendations submitted to DEH as they pertain the project site have been reviewed and accepted. The Owner/Permittee shall be required to provide a qualified monitor during the full duration of the excavation of the location of the former gas service station.

CLIMATE ACTION PLAN REQUIREMENTS:

28. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

29. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC

§ 142.1301 et seq.).

AIRPORT REQUIREMENTS:

30. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

31. The Owner/Permittee shall comply with all Conditions of the Final Map for the Vesting Tentative Map No. 1499943.

32. The project proposes to import material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

33. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

34. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

35. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private storm drain connection into the Public storm drain system in the Hotel Circle North Right-of-Way.

36. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate 4 feet of Right-of-Way, and grant 19 feet of Irrevocable Offer of Dedication (IOD) along Lot 1 and Lot A, 23 feet of IOD along Lot 5, and additional IOD area from the north edge of Lot 5 to Riverwalk Drive on Fashion Valley Road to provide a 4-Lane Major future roadway per approved Exhibit "A," satisfactory to the City Engineer.

37. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard curb ramps Standard Drawing SDG-130 and SDG-132 with Detectable/Tactile Warning Tile, per approved Exhibit "A," satisfactory to the City Engineer.

39. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard curb ramps Standard Drawing SDG-136 with Detectable/Tactile Warning Tile at the proposed driveway on Fashion Valley Road per approved Exhibit "A," satisfactory to the City Engineer.
40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard curbs, gutters, sidewalks and driveways, per approved Exhibit "A" adjacent to the site on Fashion Valley Road, Hotel Circle North, and Camino De la Reina, satisfactory to the City Engineer.
41. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of current City Standard driveways, per approved Exhibit "A" adjacent to the site on Fashion Valley Road, satisfactory to the City Engineer.
42. Prior to the issuance of any building permit, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Owner/Permittee shall assure, by permit and bond to the installation of current City Standard street lights adjacent to the site on Fashion Valley Road and Hotel Circle North.
43. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
44. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
45. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
46. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-00090DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
47. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
48. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a Conditional

Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency prior to issuance of any grading, engineering, or building permits. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

49. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision (LOMR) is obtained from FEMA. The LOMR is issued based upon as-built site conditions, therefore, the Owner/Permittee must allow time to complete this process. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

50. Fill placed in the SFHA for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.

51. The Owner/Permittee shall denote on the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two (2) feet.

52. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.

53. Prior to the issuance of any building permits, the Owner/Permittee shall grant a flowage easement, satisfactory to the City Engineer, over property within the floodway.

54. This project proposes to construct structures within the flood fringe of a Special Flood Hazard Area (SFHA). All residential structures built within the SFHA must be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation (BFE) at that location. All non-residential structures must be floodproofed to a minimum of two feet above the BFE.

55. The Owner/Permittee shall floodproof all structures subject to inundation. The floodproofed structures must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. Additionally, a registered civil engineer or architect must certify prior to occupancy that those requirements have been met.

56. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of flood waters.

PARK AND RECREATION REQUIREMENTS:

57. In lieu of paying the park component of the Mission Valley Development Impact Fee, the Owner/Permittee shall provide 3.31-acres of population-based park land for the addition of 840 residential units within the Mission Valley Community. The 3.31-acres of population based park land will be provided on site and will remain in private ownership with a Recreation Easement for public use on the land and will be privately maintained in perpetuity. Owner/Permittee shall design,

construct, and maintain all 3.31-acres of population based park, which includes the San Diego River Pathway, prior to issuance of occupancy for the first residential building permit.

58. In lieu of paying the park component of the Mission Valley Development Impact Fee, the Owner/Permittee shall pay the project's population-based requirements for the Recreation Center and Aquatic Complex for the addition of 840 residential units within the Mission Valley Community. The project's share of the cost of the Recreation Center is \$484,074 (Fiscal Year 2017 dollars) and \$160,023 (Fiscal Year 2017 dollars) for the Aquatic Complex, which are due prior to issuance of the first residential building permit.

59. Prior to the approval of any Substantial Conformance Review (SCR) for development within the River Park District, the Park Planning Section of the Planning Department shall review the SCR submittal for consistency with the approved Exhibit "A." If the amount of population-based park acreage is not in conformance with the approved Exhibit "A" an ad-hoc developer contribution fee, as determined by the City to fully satisfy population-based park acreage requirements will be required at the time of building permit issuance.

60. The Owner/Permittee shall enter into a fully executed Park Development Agreement (PDA) with the City for the design, construction, and long term maintenance of the 3.31-acres of on-site population-based park prior to recordation of the final map.

61. The Owner/Permittee shall design and construct the 3.31 acre population-based park consistent with Park and Recreation Development approved General Development Plan (GDP).

LANDSCAPE REQUIREMENTS:

62. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

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

64. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

65. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit

complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

66. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per §142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

67. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

68. Parking Structures with rooftop parking decks shall incorporate architectural shade structures over each parking stall that is exposed to open sky, and shall cover a minimum of 50-percent of each stall (a minimum of 9 feet for a standard stall depth of 18 feet) at a minimum opacity of 50-percent for the shading element.

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

MULTIPLE SPECIES CONSERVATION PROGRAM:

70. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Wildlife [CDFW], as shown on Exhibit "A." The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

71. Prior to issuance of any construction permit for grading, documentation demonstrating the remainder MHPA would be adequately managed and monitored in a manner consistent with the City's MSCP Preserve Management Framework shall be submitted and approved by the Development Services Department and Planning Department/MSCP Section. Documentation shall consist of either a Habitat Management Plan (HMP) or Covenant of Easement Grantor's Duties

specific language and either document would identify the responsible entity, Habitat Manager, and funding source for long term-maintenance and management.

LONG RANGE PLANNING/DESIGN REQUIREMENTS:

72. Prior to issuance of any building permit for Parcel 4, the Owner/Permittee shall assure that the site plan confirms that all ground level units with a north face shall have entrances and terraces that connect directly via stairs to the River Pathway or a public access way leading a short distance to the River Pathway in the case of a building corner unit. Upper level units with a north face shall have balconies overlooking the park and river.

PLANNING/DESIGN REQUIREMENTS:

73. Prior to the issuance of any construction permit, construction documents shall demonstrate compliance with the approved Exhibit "A," including the Master Plan.

74. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

75. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources and Special Flood Hazard Areas, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

76. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A," Comprehensive Sign Plan No. 2, or City-wide sign regulations.

77. The Owner/Permittee shall post a copy of each approved discretionary Permit in its sales office for consideration by each prospective buyer.

78. 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

79. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

80. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the dedication and widening of Hotel Circle North between Fashion Valley Road and Camino De La Reina by approximately 37 to 39 feet to 4-lane Collector standards consistent with Mission Valley Community Plan. The widening shall occur on the north side of Hotel Circle North and accommodate an additional westbound and eastbound through lane with a two-way-left-turn-lane, and Class II bike lanes on both sides. The traffic signals at Hotel Circle North/Fashion Valley Road and Hotel Circle North/Camino De La Reina intersections shall be modified accordingly to accommodate the proposed widening, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to first residential building issuance of occupancy.

81. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond dedication and widening of Camino De La Reina between Hotel Circle North and Private Drive D by approximately 41 feet to 4-lane Major standards consistent with Mission Valley Community Plan. The widening shall occur on the north side of Camino De La Reina and accommodate an additional westbound and eastbound through lane, a raised median, and Class II bike lanes on both sides. The traffic signal at Hotel Circle North/Camino De La Reina intersection shall be modified accordingly to accommodate the proposed widening, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to first residential building issuance of occupancy.

82. Prior to the issuance of the first building permit, the Owner/Permittee shall prepare and submit a Transportation Demand Management (TDM) program as outlined in Section 4.2.8.2 of EIR, and committed to via the project's Climate Action Plan checklist, satisfactory to the City Engineer. The Owner/Permittee shall implement and maintain the TDM program, to include at a minimum:

- Construction of the San Diego River Pathway on the north and south sides of the San Diego River through the Town & Country Park would include a multi-use trail for pedestrians and bicyclists. The existing pedestrian bridge is approximately 5 feet wide (nonstandard for a multi-use path) and substandard and degraded. The project would demolish the bridge and build a new 10-foot-wide bridge that meets standards for a multi-use path serving pedestrians and bicyclists connecting the site to the Fashion Valley Transit Center.
- Provide carpool/vanpool parking spaces in preferentially located areas (closest to building entrances). These spaces would be signed and striped "carpool/vanpool parking only." Information about the availability of and the means of accessing the vanpool parking spaces could be posted on Transportation Information Displays located in retail back-offices, common area, or on intranets, as appropriate.
- Provide a charging station(s) for electric vehicles.
- The project would coordinate with local transit operators to provide input on how and when routes should be implemented to serve the area.
- To encourage the use of transit, the project would provide no less than 50 percent transit subsidy for 25 percent of the hotel employees for a period of three years.
- Transportation information would be displayed in common areas to include, at a minimum, the following materials:

- Ridesharing promotional materials, including the iCommute program.
 - Promotional materials for “Guaranteed Ride Home” programs like those provided by iCommute to ensure that residents and employees that carpool, vanpool, take transit, walk, or bike to work are provided with a ride to their home or location near their residence in the event that an emergency occurs during their work day.
 - Bicycle route and parking, including maps and bicycle safety information.
 - Materials publicizing internet and telephone numbers for referrals on transportation information.
 - Promotional materials provided by MTS and other publicly supported transportation organizations.
 - A listing of facilities at the site for carpoolers and vanpoolers, transit riders, bicyclists, and pedestrians, including information on the availability of preferential carpool and vanpool parking spaces and the methods for obtaining these spaces.
- Annual events would be held to promote the use of alternative transportation.
 - The project would provide bicycle storage for hotel employees. For hotel guests, free bikes would also be available for use.
 - The project would provide flexible work schedules to stagger arrivals and departures of hotel employees.
 - Complimentary shuttle service to and from San Diego International Airport for hotel guests.

To ensure that the goals and objectives of the TDM program are met, a Monitoring and Reporting Program shall be prepared every year for a period of five years, and submitted satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

83. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPD], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

84. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

85. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the 12-inch public water in Hotel Circle North and Camino de la Reina.

86. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

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

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

89. Prior to the issuance of occupancy for the first residential building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new public sewer lateral(s) which must be located outside of any driveway or vehicular use area.

90. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

91. All public water and sewer facilities are to be constructed and installed in accordance with the approved Water and Sewer Studies.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ and Resolution Number _____.

Approval No.: MPDP No. 1499941/SDP 1499942/CUP 1904584

Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

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

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

HOTEL CIRCLE PROPERTY, LLC.,
a Delaware Limited Liability Company,
Owner, and Permittee

By _____
Name:
Title:

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

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel A: All that Portion of Lot 2 of Mission Valley Ball Park, in the City Of San Diego, County of San Diego, State of California, According to Map Thereof No. 3755, filed in the Office of the County Recorder of San Diego County, December 6, 1957, described as follows: Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2, North 14° 55' 19" West -record North 15° 20' 48" West- 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170, on file in the Office of said County Recorder, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence easterly along said curve and along said southerly boundary of Fashion Valley through a central angle of 01° 45' 56" an arc distance of 154.08 feet; thence tangent to said curve North 68° 59' 50" East, along said southerly boundary, 508.97 feet, more or less, to a point in the westerly line of Lot 8, E. W. Morse's Subdivision, Map No. 103, on file in the Office of the County Recorder of said County, being also a point in the boundary of said Mission Valley Ball Park; thence along said boundary the following courses: South 14° 50' 59" East -record South 15° 20' 48" East- 105.41 feet; South 74° 55' 10" West-record South 74° 39' 12" West- 65.00 Feet; South 14° 50' 59" East- Record South 15° 20' 48" East- 224.68 feet; South 75° 52' 53" West 594.22 Feet- Record South 75° 24' 12" West, 594.20 feet- to the point of beginning;

Parcel B: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City Of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029 made in the action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County Of San Diego, filed in the County Clerk's Office, described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West -record North 15° 15" West- 1485.00 feet; thence leaving said easterly line South 75° 20' West 275.10 feet to the true point of beginning; thence continuing South 75° 20' West 74.90 feet to a tangent 233.12 foot radius curve to the left; thence southwesterly along the arc of said curve 307.43 feet, more or less, through a central angle of 75° 33' 34" to the southerly line of that parcel of the land described in the Deed to E. A. Wittmer, recorded March 20, 1947, as File No. 30506, in Book 2349, Page 466 of Official records; thence South 75° 20' West along said southerly line and its westerly prolongation 497.20 feet, more or less, to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line North 15° 30' 45" West 89.12 feet to a tangent 60.00 foot radius curve, the center of which bears North 74° 29' 15" East from the point of tangency; thence southeasterly along the arc of said curve 93.36 feet, through a central angle of 89° 09' 15" thence tangent to said curve North 75° 20' East 14.47 feet to a tangent 25 foot radius curve to the left; thence northeasterly along the arc of said curve 19.93 feet, through a central angle of 45° 41'; thence tangent to said curve North 29° 39' East 210.51 Feet 43030662P -U50 to a tangent 500 foot radius curve to the right; thence northeasterly along the arc of said curve 148.60 feet, more or less, through a central angle of 17° 01' 43" to a line which bears South 15° 30' 45" East from the southeasterly corner of a parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded North 4, 1949 as File No. 102379 in Book 3376, Page 102 of Official Records; thence North 15° 30' 45" West 127.13 feet, more or less, to a line which is parallel with and 25 feet southerly at right angles from the southerly line of said Roberts land; thence along said parallel line North 74° 29' 15" East 440.61 feet, more or less, to a line which bears North 15° 25'

West from the true point of beginning thence South 15° 25' East along said line 236.25 feet, more or less, to the true point of beginning;

Parcel C: All that portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: beginning at a point in the easterly line of said Lot 4 distant along said line North 14° 55' 19" West-record North 15° 15' 00" West- 1485.00 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly line, North 14° 55' 19" West 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170 filed in the Office of the Recorder of said County, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence westerly along said curve, and along said southerly boundary through a central angle of 04° 15' 04" an arc distance of 370.98 feet- record 370.10 feet; thence tangent to said curve, along said southerly boundary, South 75° 00' 50" West, 734.57 feet to the southwest corner of said Map No. 6170; thence leaving said boundary South 14° 59' 10" East along the westerly line of said Lot 4, 399.06 feet, more or less, to the northwest corner of that parcel of land described in Parcel I in Deed to Town And Country Development, Inc., recorded August 16, 1961 as File No. 140984 of Official Records; thence easterly along the northerly line of said Parcel L, North 75° 51' 31" East -record North 75° 20' 00" East- 530.32 feet to a point in a non-tangent 233.12 foot radius curve, concave southeasterly, said point being the southeasterly corner of land described in Deed to Everett C. Davis And Ellen S. Davis recorded August 31, 1961 as File No. 151988 of Official Records: thence northerly and easterly along said curve and along the boundary of said Davis' land an arc distance of 304.40 feet, more or less, thence continuing along said boundary of Davis' land, North 75° 00' 50" East- record North 75° 20' 00" East- 330.00 feet, more or less, to a point which lies 20.00 feet, measured at right angles, from said easterly line of Lot 4; thence southerly, parallel with said easterly line of Lot 4, 175.00 feet; thence easterly, at right angles, to the last described course 20.00 feet to a point in said easterly line of Lot 4; thence northerly along said easterly line of Lot 4; 175.00 feet to the point of beginning. Excepting therefrom the above described Parcel C all that portion included within that Parcel I described in Deed to Betty Fowler, recorded February 6, 1952 In Book 4364, Page 164 of Official Records. Also excepting therefrom all that land described above as Parcel B. Also excepting therefrom that portion lying within Fashion Valley Road. Said land is shown on Record of Survey No. 2595, recorded January 25, 1951;

Parcel D: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4, distant along said line, North 15° 25' West- record North 15° 15' West- 1485.00 feet from the southeasterly corner of said Lot 4; thence South 75° 20' West, 54.61 feet to the true point of beginning said point being the beginning of a tangent 30 foot radius curve, concave southwesterly, having a radius of 30.00 feet; thence easterly and southeasterly along said curve, through a central angle of 89° 15', a distance of 46.73 feet; thence South 15° 25' East, 145.39 feet to a point in the southerly line of Parcel I of that land described in the Deed to E. A. Widmer, recorded on March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records: thence along the southerly line of said Parcel I, South 75° 20' West, 250.10 feet; thence North 15° 25' West, 175.00 feet to an intersection with a line

bearing South 75° 20' West, from the true point of beginning; thence North 75° 20' East, 220.49 feet to the true point of beginning;

Parcel E: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4 distant along said line North 15° 25' West (record North 15° 15' West) 1310 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly lot line, North 15° 25' West 175 feet; thence South 75° 20' West 350 feet to the beginning of a 233.12 foot radius curve concave southeasterly, a radial line at said point bearing North 15° 25' West, being also the true point of beginning of the property herein described; thence southwesterly along said curve 307.43 feet - record 304.40 feet - more or less, to the southerly line of that Parcel I of the land described in the Deed To E. A. Wittmer, recorded March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records; thence along said southerly line of Wittmer's Parcel I, North 75° 20' East 302.95 Feet - record North 75° 30' East 300 feet - more or less, to the southwesterly corner of that parcel of land described in the Deed to Arthur H. Marx Et Ux, recorded March 19, 1951 as Document No. 34219 in Book 4016, Page 207 of Official Records; thence North 15° 25' West along said Marx Land, 175 feet to the northwesterly corner thereof; thence South 75° 20' West 74.90 feet to the true point of beginning;

Parcel F: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point on the easterly line of Lot 4 distant thereon North 15° 25' 00" West 1485.00 feet from the southerly corner thereof; thence South 75° 20' West 54.61 feet to a tangent 30.00 foot radius curve concave southwesterly and being the true point of beginning; thence southeasterly along the arc of said curve 46.73 feet; thence leaving the arc of said curve South 15° 25' 00" East 145.39 feet; thence North 75° 20' 00" East to a point which bears South 75° 20' 00" West 20.00 feet from said easterly line; thence North 15° 25' 00" West - record thence along said easterly line - 175.00 feet; thence South 75° 20' 00" West record thence leaving said easterly line - to the true point of beginning ;

Parcel G: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West - record North 15° 15' West - 1725.31 feet to a line which is parallel with and 25 feet southerly at right angles from the location and prolongation of the southerly line of that parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded November 4, 1949 as Document No. 102379 in Book 3376, Page 102 of Official Records; thence along said parallel line South 74° 29' 15" West 715.69 feet to an intersection with a line which bears South 15° 30' 45" East from the southeasterly corner of said Roberts land; said intersection being the true point of beginning of the property herein described: thence continuing along said parallel line South 74° 29' 15" West, 360.14 feet to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line South 15° 30' 45" East 310.32 feet to the beginning of a tangent 60

foot radius curve, concave northeasterly; thence southerly, southeasterly and easterly along said curve, 93.36 feet through an angle of $89^{\circ} 09'$ is"; thence tangent to said curve North $75^{\circ} 20'$ East 14.47 feet to the beginning of a tangent 25 foot radius curve, concave northwesterly; thence northeasterly along said curve 19.93 feet through an angle of $45^{\circ} 41'$; thence tangent to said curve North $29^{\circ} 39'$ East 210.51 feet to the beginning of a tangent 500 foot radius curve, concave southeasterly; thence northeasterly along said curve 148.60 feet through an angle of $17^{\circ} 01' 43''$ - record northeasterly along said curve 140 feet - more or less, to a line which bears South $15^{\circ} 30' 45''$ East from the true point of beginning; thence North $15^{\circ} 30' 45''$ West 127.13 feet- record 121 feet- more or less to the true point of beginning;

Parcel H: Lot 1 of Town and Country Hotel, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 6274, filed in the Office of the County Recorder of San Diego County, January 24, 1969;

Parcel I: Lots 1 and 2 of Seven Inns Subdivision, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 5671, filed in the Office of the County Recorder of San Diego County, December 30, 1965.

CITY COUNCIL RESOLUTION NUMBER R-_____

VESTING TENTATIVE MAP NO. 1499943 AND EASEMENT VACATION NO. 1499945,
TOWN AND COUNTRY - PROJECT NO. 424475

WHEREAS, HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, Subdivider, and FUSCOE ENGINEERING, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 1499943) and easement vacation (Easement Vacation No. 1499945) for a master plan development within a premises consisting of three project districts (River Park District, Hotel District and Residential District) that includes the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet), construction of a total 840 residential units with incorporated parking structures on four lots, restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center, on a 39.72-acre parcel of land known as the Town and Country project [Project]. The project site is located at 500 Hotel Circle North in the OF-1-1 Zone and the Mission Valley Planned District (MVPD) MV-M/SP zone within the Atlas Specific Plan and the Mission Valley Community Plan area, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project is located within the Airport Land Use Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2) as depicted in the adopted Airport Land Use Compatibility Plans (ALUCPs) and the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field; and

WHEREAS, the project site is legally is described within attached Exhibit A; and

WHEREAS, the Map proposes the Subdivision of a 39.72 acre site into one (1) lot for 160 unit condominium development, one (1) lot for 275 unit condominium development, one (1) lot for 255 unit condominium development, one (1) lot for 150 unit condominium development, one (1) lot commercial hotel, two (2) lots for public recreational open space, one (1) lot for flood flowage easement and one (1) lot for private road purposes; and

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

WHEREAS, on June 15, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945, and pursuant to Planning Commission Resolution No. _____, voted to recommend City Council approval of the project; and

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

WHEREAS, on _____, the City Council of the City of San Diego considered Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945, and pursuant to SDMC Section(s) 125.0440 and 125.1040, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1499943:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The 39.72-acre project site is located at 500 Hotel Circle North, and is bounded to the south by Hotel Circle North and Camino De La Reina, to the west by Fashion Valley Road, to the north by Riverwalk Drive and Fashion Valley Mall, and to the east by the former San Diego Union-Tribune property. Interstate-8 is located immediately to the south of Hotel Circle North and Camino De La Reina. The site is in the MVPD MV-M/SP zone of the Mission Valley Planned District Ordinance (MVPDO) (proposed to be rezoned to MVPD-MV-M) and the northern portion of the site is zoned OF-1-1, and is within the Mission Valley Community Plan (MVCP) and the Atlas Specific Plan.

The project proposes the consolidation, renovation, and infill redevelopment of the Town and Country Hotel and Convention Center site. The project proposes a Master Plan that would guide the redevelopment of the site consisting of three project districts (River Park District, Hotel District and Residential District). Critical proposed elements of the Master Plan includes the consolidation and renovation of the hotel and convention center (hotel capacity reduced from 954 to 700 guest rooms and the conference facilities reduced from 212,762 to 177,137 gross square feet), construction of a total 840 residential units with incorporated parking structures on four lots, restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor and the regional transit center.

The Map for the project proposes the Subdivision of the 39.72 acre site into a total of nine lots consisting of: one lot for 160 unit condominium development, one lot for 275 unit condominium development, one lot for 255 unit condominium development, one lot for 150 unit condominium development, one lot commercial hotel, two lots for public recreational open space, one lot for flood flowage easement and one lot for private road purposes.

The land use designation, as amended to Multi-Use, would introduce multi-family residential development on a site that contains commercial, recreational, and hotel uses. The proposed amendment would establish parameters for site development that tie into a multi-modal circulation network by providing a pedestrian and bicycle bridge to the Fashion Valley Trolley Station, multimodal pathway along the river, and Class II bike facilities along Fashion Valley Road and Hotel Circle North. The proposed amendment would also identify park and open space uses along the San Diego River and include specific provisions for revegetation and enhancement opportunities, plaza and open space to create a front door to the River, and connect to adjacent properties. The addition of residential development near public transit would be consistent with the goals and policies for transit-oriented development of the General Plan and Community Plan.

The proposed development would incorporate current public park space and development guidelines and policies to be consistent with the River Park Master Plan. The River Park Master Plan establishes a vision, principles and recommendations for areas near the San Diego River and identifies river corridor area and sensitive development area adjacent to the River floodway.

Therefore, with the adoption of the Land Use Plan Amendment (LUPA) and Rezone, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plans.

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

The following are the proposed 19 deviations, code sections, and justifications for the deviations:

- 1) Minimum Lot Area within the OF-1-1 zone (Open Space-Floodplain)- A deviation from San Diego Municipal Code (SDMC) Section 131.0231 and Table 131-02C, which requires a minimum lot area of 10 acres. This request allows the project a lot area of 1.70-acres for Lot B, 8.26-acres for Lot C, and 1.61-acres for Lot D;
- 2) Minimum Lot Width within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot width of 500 feet. This request allows the project a lot width of less than 500 feet for Lots C and D (lot width varies);
- 3) Street Frontage within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum street frontage of 500 feet. This request allows the project a minimum street frontage less than 500 feet for Lot C and Lot D;
- 4) Lot Depth within the OF-1-1 zone (Open Space-Floodplain) – A deviation from SDMC Section 131.0231 and Table 131-02C, which requires a minimum lot depth of 500 feet. This request allows the project a minimum lot depth of less than 500 feet for Lot B from Private Drive E;
- 5) Structures within Floodways (River Park District) – A deviation from SDMC Section 143.0145(e)(2), which does not permitted permanent structures within the floodway. This request allows for specific existing permanent structures, specific improvements associated with the passive public park, Private Drive E and associated directional signage within the floodway;
- 6) Flowage Easement (River Park District) – A deviation from SDMC Section 143.0146(a)(4), which requires that a flowage easement to the City shall be granted for that portion of the property within a floodway. This request allows the existing hotel/convention center structures that are located within the currently defined floodway to be outside of the flowage easement;
- 7) River Corridor Area (River Park District) – A deviation from SDMC Section 1514.0302(c), which requires the alignment of the River Pathway to be within the Path Corridor. This request allows the following within the River Corridor Area: Existing Hotel buildings with certain improvements that includes parking and Private Drive E, River

Pathway outside of the Path Corridor and within Floodway, construction of new residential building and site improvements on Lot 4 within Path Corridor, and shielded lighting along River Pathway within Floodway directed away from river and Multi-Habitat Planning Areas;

8) River Influence Area Lot Coverage (River Park District) – A deviation from SDMC Section 1514.0302(d) (1), which requires a maximum of 65-percent lot coverage for any development on a lot wholly or partially within 115 feet of the River Corridor Area. This request allows the project an 85-percent lot coverage for development on Residential Lot 4;

9) River Influence Area Building Height (River Park District) – A deviation from SDMC Section 1514.0302(d)(2), which requires a series of tiers that establish a minimum set back and maximum building height from the River Corridor Area per SDMC Table 1514-03C and Diagram 1514-03C. This request allows the project to use the same setbacks and height within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area;

10) River Influence Area Massing (River Park District) – A deviation from SDMC Section 1514.0302(d)(2), which requires a maximum massing setback from the edge of the River Corridor Area per SDMC Table 1514-03C. This request allows the project to use the same maximum massing setback within the regulations for Residential Lot 4, except the implementation would be from edge of floodway instead of edge of River Corridor Area;

11) Fences (River Park District) – A deviation from SDMC Section 1514.0302(d)(13) limits fences within 10 feet of outer limit of River Corridor Area. This request allows the proposed fences for Residential Lot 4 building entrances and terraces, and along Riverwalk Drive within River Corridor Area;

12) Sidewalks/Parkways (River Park District) – A deviation from SDMC Section 1514.0402(b)(1), which requires minimum average widths for sidewalks and parkways per SDMC Table 1514-04A. This request allows for a 8-foot clear corridor sidewalk and a 6-foot landscaped parkway along Fashion Valley Road (new construction only) and Camino de la Reina, and 10-foot multi-modal River Pathway in lieu of pedestrian sidewalk on south side of the Riverwalk Drive;

13) Street Frontage (Residential District) – A deviation from SDMC Section 1514.0304(d)(1), which requires a minimum of 70 feet of public street frontage. This request allows for no public street frontage for Lot 3 and 4, since Lot 3 would provide a 366-foot private drive frontage and Lot 4 would provide a 448-foot private drive frontage;

14) Street Yard Area (Residential District) – A deviation from SDMC Section 1514.0304(e)(1), which requires a minimum street yard area of 25 feet multiplied by the street frontage length plus an incremental factor of 0.25 feet for each foot of building elevation over 24 feet. This request allows for a minimum 15-foot street yard area x length of street frontage for new construction;

15) Parking and Building Setbacks and Incremental Building Setback (Residential District) – A deviation from SDMC Section 1514.0304(e)(2) and (3), which requires incremental setback

for the street, side, and rear setbacks per SDMC Table 1514-03H. This request allows for a side yard setback for Lot 1 of 10-foot with no additional incremental setback along the eastern side yard, and for Lot 2, Lot 3, and Lot 4 a 10-foot side yard setback but no additional incremental setback along eastern and western side yards, except Lot 3 has a 5-foot side yard setback along eastern side yard. In addition, the request allows for Lots 1, 2, and 3 a 10-foot rear yard setback with no additional incremental setback, and for Lot 4 a 10-foot rear yard setback facing river with incremental setback as illustrated in Master Plan Figure 5-2;

16) Exterior Usable Open Space (Residential District) – A deviation from SDMC Section 1514.0304(f)(2), which requires a minimum of 156 square feet of usable open area per dwelling unit. This request allows for a minimum 100 square feet of usable open area per dwelling unit;

17) Structural Development Coverage (Residential District) – A deviation from SDMC Section 1514.0304(g), which allows a maximum of 50-percent structural development coverage. This request allows for a 55-percent maximum structural development coverage (calculated over gross acreage of residential zone);

18) Maximum Structural Coverage (Hotel District) – A deviation from SDMC Section 1514.0304(g), which allows a maximum of 50-percent structural development coverage. This request allows for a 60-percent structural development coverage, excluding any fence wall, retaining wall, pier, post, sign, parking space, terrace, deck, paved area, pool cabana, spa, or swimming pool;

19) Yards and Setback Requirements (Hotel District) – A deviation from SDMC Section 1514.0305(e)(1), which requires a minimum 20-foot street yard factor x length of street frontage, and a building setbacks of 15 feet street yard, 10 feet side yard, and 15 rear yard. All setbacks have additional incremental setback of 0.2 feet for every foot of building elevation of 24 feet. This request allows for a minimum 15-foot street yard factor and a 10-foot side yard factor multiplied by the length of street frontage for new construction. In addition, the request allows for a side yard and rear yard building setback of 10 feet with no additional incremental setback.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing underutilized hotel structure for residential use, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC. In addition, the proposed development will assist in accomplishing the goal of the City by providing market-rate housing opportunities in transit-friendly areas near employment centers. Therefore, with the approval of the requested deviations, the proposed development is in conformance with the applicable regulations of the Land Development Code (LDC).

3. The site is physically suitable for the type and density of development.

The topography of the project site is relatively flat and ranges from an elevation of about 19 feet above mean sea level (AMSL) to about 29 feet AMSL. The northern portion of the project site is within the Federal Emergency Management Agency (FEMA) Regulatory Floodway of the San Diego River (FIRM Map Number 06073C1618G, revised May 16, 2012). The floodway covers the northern 13.31-acres of the project site. Existing wetland buffers and habitat areas cover approximately 7-acres. The majority of this area is undeveloped open space, and a portion is currently developed as parking in support of the hotel and convention center. The project site is entirely within the floodplain of the San Diego River (Zone AE).

The existing site conditions include surface parking within the floodway. The project proposes to retain a portion of the surface parking and develop the remainder of this area with public recreation facilities including a new public park with trails and passive recreation areas. The remaining portion of the project site is currently within the 100-year floodplain Zone AE. The project proposes to construct all new residential structures and new hotel buildings such that the lowest finished floor elevation of all new habitable structures is two feet or more above the Base Flood Elevation (BFE) (water surface elevation for a 100-year flood event). The project proposes to construct all new residential parking structures attached to habitable structures such that the finished floor elevation of the lowest level of parking structure is at or above the BFE per FEMA requirements.

The project proposes to construct a new parking structure for hotel use that is not attached to any habitable structures. The finished floor elevation of the lowest level of parking of this structure is below the BFE but includes flood proofing measures and elevation of electrical equipment above BFE; thus it is permitted per FEMA requirements. To accommodate the construction of new structures within the floodplain, on March 15, 2017, FEMA issued a Conditional Letter of Map Revision (CLOMR) for the project. No certificates of occupancy will be granted or bonds released for the development associated with this project until a Letter of Map Revision (LOMR) is obtained by FEMA.

An Environmental Impact Report (EIR) No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Critical proposed elements of the subdivision includes the restoration of the San Diego River open space habitat, development of a new passive public park, and development of a multi-use San Diego River Pathway providing a link in the regional recreational corridor. Approximately 6.98-acres of the project are located within the City's Multiple Species Conservation Program (MSCP) Subarea,

and a portion of the Multi-Habitat Planning Area (MHPA) bisects the northern portion of the Biological Study Area (BSA) developed for the site.

The project has a potential for indirect impacts to the MHPA along the northern and eastern boundaries. The MSCP Subarea Plan provides Land Use Adjacency Guidelines to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, barriers, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species. Due to the site's location in relation to the MHPA, the project would be required to comply with the Land Use Adjacency Guidelines as discussed in the Biological Resources Section 4.4 and included within the MMRP.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

EIR No. 424475/SCH No. 2015121066, has been prepared for the project in accordance with CEQA Guidelines. An MMRP would be implemented with this project, which would reduce some of the potential impacts to below a level of significance. The applicant has provided Draft Candidate Findings and Statement of Overriding Considerations to allow the decision-maker to approve the project with significant and unmitigated direct impacts related to Historical Resources and Transportation/Circulation and Parking.

The permit for the project includes various conditions and referenced exhibits relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the design of the subdivision or the type of improvement would not be detrimental to the public health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The northern portion of the subdivision currently contains pedestrian and non-motorized vehicular easements along Riverwalk Drive, and an easement to the Metropolitan Transit Development Board for the Mission Valley Transit Line. All of these existing access easements shall remain; however, the proposed subdivision would grant additional public access easements. The River Park District would include a 14-foot-wide San Diego River Pathway (10-foot-wide concrete path with 2-foot-wide decomposed granite on each side). The conceptual alignment of the San Diego River Pathway would align with the Pathway to the east on the former Union Tribune site, through the passive population based park, and connect to the pedestrian bridge that crosses the River. The

San Diego River Pathway would also be constructed on-site parallel to the northern property line on the north side of the River outside of the MHPA area. Pedestrian access would be provided and would align with sidewalk ramps at the intersections along Riverwalk Drive.

The River Park District would result in approximately 2,500 linear feet of San Diego River Pathway plus interconnecting pedestrian trails, adding to the emerging pathway system along the San Diego River and providing a variety of trail experiences. The San Diego River Pathway would also include new lighting and a fence (two-rail peeled log with a maximum height of 42-inches) along Riverwalk Drive to keep cars from driving and parking in this area. The design for the San Diego River Pathway unpaved portion includes planting of native flora. In addition, the existing pedestrian bridge over the San Diego River would be replaced by a multi-use bridge in the existing location and at the same elevation. The new multi-use bridge (suitable for use by both pedestrians and bicycles) would be 10 feet wide. It would allow users of the San Diego River Pathway to cross from one side of the River to the other.

The project is required to provide 3.31-acres of population-based parks. In compliance with the San Diego River Park Master Plan, the park space would be designed for passive recreation. Park space may include passive lawn areas, and signage and benches along the San Diego River Pathway for wildlife viewing and educational purposes, as well as resting points along the trail. The park space also includes the improvement of an existing picnic area that is currently located within the MHPA. Therefore, the design of the subdivision and the type of improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, in fact, the public access through and use of property would be greatly increased with the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The residential buildings would be designed to be consistent with U.S. Green Building Council Leadership in Energy and Environmental Design (USGBC LEED) Silver standards or equivalent. The residential land uses would be configured as four lots located in the southern and eastern portions of the site, Residential Lot 1 through Residential Lot 4. With the independent design of the proposed subdivision, each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials, to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region and within the Mission Valley community; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of 840 residential units is consistent with the housing needs anticipated for the Mission Valley community. In addition, Furthermore, by locating new residential and park uses in a Transit Priority Area immediately adjacent to the Fashion

Valley Transit Station, the proposed transit-oriented, mixed-use project fulfills the integrated use approach as recommended in the MVCP and the General Plan City of Villages strategy, and will help achieve the mode share goals of the Climate Action Plan.

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

BE IT FURTHER RESOLVED, that portions of a Sewer and Water easement, located within the project boundaries as shown in Vesting Tentative Map No. 1499943, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

9. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a))

The site has been previously graded and developed with the Town and Country Hotel and Convention Center. The site contains a 260-foot long x 15-foot wide sewer easements with an active eight inch sewer main within the property boundary. The existing public utility main is located under the existing Golden Pacific Ballroom building and connect to the Royal Palm Tower. The existing 15-foot wide sewer easement is only serving the project site and is proposed to be converted to a private system as part of the redevelopment of the site since the main is located under the existing structures and will be maintained by the subdivider. Therefore, there is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

10. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment. (San Diego Municipal Code § 125.1040(b))

The site has been previously graded and developed with the Town and Country Hotel and Convention Center. The site contains a 260-foot long x 15-foot wide sewer easements with an active eight inch sewer main within the property boundary. The existing public utility main is located under the existing Golden Pacific Ballroom building and connect to the Royal Palm Tower. The existing 15-foot wide sewer easement is only serving the project site and is proposed to be converted to a private system as part of the redevelopment of the site since the main is located under the existing structures and will be maintained by the subdivider. Therefore, the public would benefit through improved utilization of the land and no longer have to maintain the public utilities facilities within the property boundary that are only servicing this parcel of land.

11. The abandonment is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c))

As outlined within Vesting Tentative Map Finding No. 1 listed above, with the adoption of the LUPA and Rezone, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plans. All of the utilities servicing the redevelopment of the project site shall be private. Therefore, the vacation of the easement would not adversely affect any applicable land use plan.

12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d))

The site has been previously graded and developed with the Town and Country Hotel and Convention Center. The site contains a 260-foot long x 15-foot wide sewer easements with an active eight inch sewer main within the property boundary. The existing public utility main is located under the existing Golden Pacific Ballroom building and connect to the Royal Palm Tower. The existing 15-foot wide sewer easement is only serving the project site and is proposed to be converted to a private system as part of the redevelopment of the site since the main is located under the existing structures and will be maintained by the subdivider. Therefore, the public facility for which the easements were originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the City Council Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945 are hereby granted to HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]

ATTACHMENT:

1. Exhibit A-Legal Description
2. Vesting Tentative Map Conditions

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel A: All that Portion of Lot 2 of Mission Valley Ball Park, in the City Of San Diego, County of San Diego, State of California, According to Map Thereof No. 3755, filed in the Office of the County Recorder of San Diego County, December 6, 1957, described as follows: Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2, North 14° 55' 19" West -record North 15° 20' 48" West- 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170, on file in the Office of said County Recorder, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence easterly along said curve and along said southerly boundary of Fashion Valley through a central angle of 01° 45' 56" an arc distance of 154.08 feet; thence tangent to said curve North 68° 59' 50" East, along said southerly boundary, 508.97 feet, more or less, to a point in the westerly line of Lot 8, E. W. Morse's Subdivision, Map No. 103, on file in the Office of the County Recorder of said County, being also a point in the boundary of said Mission Valley Ball Park; thence along said boundary the following courses: South 14° 50' 59" East -record South 15° 20' 48" East- 105.41 feet; South 74° 55' 10" West- record South 74° 39' 12" West- 65.00 Feet; South 14° 50' 59" East- Record South 15° 20' 48" East- 224.68 feet; South 75° 52' 53" West 594.22 Feet- Record South 75° 24' 12" West, 594.20 feet- to the point of beginning;

Parcel B: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City Of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029 made in the action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County Of San Diego, filed in the County Clerk's Office, described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West -record North 15° 15" West- 1485.00 feet; thence leaving said easterly line South 75° 20' West 275.10 feet to the true point of beginning; thence continuing South 75° 20' West 74.90 feet to a tangent 233.12 foot radius curve to the left; thence southwesterly along the arc of said curve 307.43 feet, more or less, through a central angle of 75° 33' 34" to the southerly line of that parcel of the land described in the Deed to E. A. Wittmer, recorded March 20, 1947, as File No. 30506, in Book 2349, Page 466 of Official records; thence South 75° 20' West along said southerly line and its westerly prolongation 497.20 feet, more or less, to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line North 15° 30' 45" West 89.12 feet to a tangent 60.00 foot radius curve, the center of which bears North 74° 29' 15" East from the point of tangency; thence southeasterly along the arc of said curve 93.36 feet, through a central angle of 89° 09' 15" thence tangent to said curve North 75° 20' East 14.47 feet to a tangent 25 foot radius curve to the left; thence northeasterly along the arc of said curve 19.93 feet, through a central angle of 45° 41'; thence tangent to said curve North 29° 39' East 210.51 Feet 43030662P -U50 to a tangent 500 foot radius curve to the right; thence northeasterly along the arc of said curve 148.60 feet, more or less, through a central angle of 17° 01' 43" to a line which bears South 15° 30' 45" East from the southeasterly corner of a parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded North 4, 1949 as File No. 102379 in Book 3376, Page 102 of Official Records; thence North 15° 30' 45" West 127.13 feet, more or less, to a line which is parallel with and 25 feet southerly at right angles from the southerly line of said Roberts land; thence along said parallel line North 74° 29' 15" East 440.61 feet, more or less, to a line which bears North 15° 25' West from the true point of beginning thence South 15° 25' East along said line 236.25 feet, more or less, to the true point of beginning;

Parcel C: All that portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: beginning at a point in the easterly line of said Lot 4 distant along said line North 14° 55' 19" West-record North 15° 15' 00" West- 1485.00 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly line, North 14° 55' 19" West 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170 filed in the Office of the Recorder of said County, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence westerly along said curve, and along said southerly boundary through a central angle of 04° 15' 04" an arc distance of 370.98 feet- record 370.10 feet; thence tangent to said curve, along said southerly boundary, South 75° 00' 50" West, 734.57 feet to the southwest corner of said Map No. 6170; thence leaving said boundary South 14° 59' 10" East along the westerly line of said Lot 4, 399.06 feet, more or less, to the northwest corner of that parcel of land described in Parcel I in Deed to Town And Country Development, Inc., recorded August 16, 1961 as File No. 140984 of Official Records; thence easterly along the northerly line of said Parcel L, North 75° 51' 31" East -record North 75° 20' 00" East- 530.32 feet to a point in a non-tangent 233.12 foot radius curve, concave southeasterly, said point being the southeasterly corner of land described in Deed to Everett C. Davis And Ellen S. Davis recorded August 31, 1961 as File No. 151988 of Official Records: thence northerly and easterly along said curve and along the boundary of said Davis' land an arc distance of 304.40 feet, more or less, thence continuing along said boundary of Davis' land, North 75° 00' 50" East- record North 75° 20' 00" East- 330.00 feet, more or less, to a point which lies 20.00 feet, measured at right angles, from said easterly line of Lot 4; thence southerly, parallel with said easterly line of Lot 4, 175.00 feet; thence easterly, at right angles, to the last described course 20.00 feet to a point in said easterly line of Lot 4; thence northerly along said easterly line of Lot 4; 175.00 feet to the point of beginning. Excepting therefrom the above described Parcel C all that portion included within that Parcel I described in Deed to Betty Fowler, recorded February 6, 1952 In Book 4364, Page 164 of Official Records. Also excepting therefrom all that land described above as Parcel B. Also excepting therefrom that portion lying within Fashion Valley Road. Said land is shown on Record of Survey No. 2595, recorded January 25, 1951;

Parcel D: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4, distant along said line, North 15° 25' West- record North 15° 15' West- 1485.00 feet from the southeasterly corner of said Lot 4; thence South 75° 20' West, 54.61 feet to the true point of beginning said point being the beginning of a tangent 30 foot radius curve, concave southwesterly, having a radius of 30.00 feet; thence easterly and southeasterly along said curve, through a central angle of 89° 15', a distance of 46.73 feet; thence South 15° 25' East, 145.39 feet to a point in the southerly line of Parcel I of that land described in the Deed to E. A. Widmer, recorded on March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records: thence along the southerly line of said Parcel I, South 75° 20' West, 250.10 feet; thence North 15° 25' West, 175.00 feet to an intersection with a line bearing South 75° 20' West, from the true point of beginning; thence North 75° 20' East, 220.49 feet to the true point of beginning;

Parcel E: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4 distant along said line North 15° 25' West (record North 15° 15' West) 1310 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly lot line, North 15° 25' West 175 feet; thence South 75° 20' West 350 feet to the beginning of a 233.12 foot radius curve concave southeasterly, a radial line at said point bearing North 15° 25' West, being also the true point of beginning of the property herein described; thence southwesterly along said curve 307.43 feet - record 304.40 feet - more or less, to the southerly line of that Parcel I of the land described in the Deed To E. A. Wittmer, recorded March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records; thence along said southerly line of Wittmer's Parcel I, North 75° 20' East 302.95 Feet - record North 75° 30' East 300 feet - more or less, to the southwesterly corner of that parcel of land described in the Deed to Arthur H. Marx Et Ux, recorded March 19, 1951 as Document No. 34219 in Book 4016, Page 207 of Official Records; thence North 15° 25' West along said Marx Land, 175 feet to the northwesterly corner thereof; thence South 75° 20' West 74.90 feet to the true point of beginning;

Parcel F: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point on the easterly line of Lot 4 distant thereon North 15° 25' 00" West 1485.00 feet from the southerly corner thereof; thence South 75° 20' West 54.61 feet to a tangent 30.00 foot radius curve concave southwesterly and being the true point of beginning; thence southeasterly along the arc of said curve 46.73 feet; thence leaving the arc of said curve South 15° 25' 00" East 145.39 feet; thence North 75° 20' 00" East to a point which bears South 75° 20' 00" West 20.00 feet from said easterly line; thence North 15° 25' 00" West - record thence along said easterly line - 175.00 feet; thence South 75° 20' 00" West record thence leaving said easterly line - to the true point of beginning ;

Parcel G: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West - record North 15° 15' West - 1725.31 feet to a line which is parallel with and 25 feet southerly at right angles from the location and prolongation of the southerly line of that parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded November 4, 1949 as Document No. 102379 in Book 3376, Page 102 of Official Records; thence along said parallel line South 74° 29' 15" West 715.69 feet to an intersection with a line which bears South 15° 30' 45" East from the southeasterly corner of said Roberts land; said intersection being the true point of beginning of the property herein described: thence continuing along said parallel line South 74° 29' 15" West, 360.14 feet to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line South 15° 30' 45" East 310.32 feet to the beginning of a tangent 60 foot radius curve, concave northeasterly; thence southerly, southeasterly and easterly along said curve, 93.36 feet through an angle of 89° 09' is"; thence tangent to said curve North 75° 20' East 14.47 feet to the beginning of a tangent 25 foot radius curve, concave northwesterly; thence northeasterly along said curve 19.93 feet through an angle of 45° 41'; thence tangent to said curve

North 29° 39' East 210.51 feet to the beginning of a tangent 500 foot radius curve, concave southeasterly; thence northeasterly along said curve 148.60 feet through an angle of 17°01'43"- record northeasterly along said curve 140 feet - more or less, to a line which bears South 15° 30' 45" East from the true point of beginning; thence North 15° 30' 45" West 127.13 feet- record 121 feet- more or less to the true point of beginning;

Parcel H: Lot 1 of Town and Country Hotel, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 6274, filed in the Office of the County Recorder of San Diego County, January 24, 1969;

Parcel I: Lots 1 and 2 of Seven Inns Subdivision, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 5671, filed in the Office of the County Recorder of San Diego County, December 30, 1965.

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1499943
EASEMENT VACATION NO. 1499945,
TOWN AND COUNTRY - PROJECT NO. 424475 [MMRP]
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall conform to the provisions of Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, and Conditional Use Permit No. 1904584, amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.
7. The following will be conditions of the Tentative Map Resolution that the Subdivider will need to satisfy/assure before the Final Map is recorded.

ENGINEERING

8. The Subdivider shall dedicate 4 feet of Right-of-Way, and grant 19 feet of Irrevocable Offer of Dedication (IOD) along Lot 1 and Lot A, 23 feet of IOD along Lot 5, and additional IOD area

from the north edge of Lot 5 to Riverwalk Drive on Fashion Valley Road to provide a 4-Lane Major future roadway per approved Exhibit "A," satisfactory to the City Engineer.

9. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
10. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
11. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
12. The Subdivider shall denote on the final map "Subject to Inundation" all areas lower than the base flood elevation plus two (2) feet
13. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
14. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot
15. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

16. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
17. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
18. The Final Map shall:

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

PUBLIC UTILITIES DEPARTMENT

19. The Subdivider shall process encroachment maintenance and removal agreements (EMRA), for all acceptable encroachments into public right-of-way, including but not limited to improvements, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
20. The Subdivider shall provide a 10 feet minimum (edge to edge) separation between the water and sewer mains, and provide a 5 feet minimum separation between the water main and face of curb, per the Water and Sewer Design Guide.
21. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Public Utilities Director and the City Engineer.
22. Prior to the first issuance of occupancy for the residential building permits, all public water and sewer facilities shall be completed and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

PLANNING

23. Prior to the recordation of the Final Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources and Special Flood Hazard Areas, in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

LANDSCAPE

24. Prior to issuance of any construction permits for grading, the Subdivider shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including

Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

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

MSCP

26. Prior to the recordation of the Final Map, the Subdivider shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), as shown on Exhibit "A." Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City and USFWS and CDFG. The Subdivider shall maintain in perpetuity any MHPA lands granted by covenant of easement.
27. Prior to the recordation of the Final Map, documentation demonstrating the remainder MHPA would be adequately managed and monitored in a manner consistent with the City's MSCP Preserve Management Framework shall be submitted and approved by the Development Services Department and Planning Department/MSCP Section. Documentation shall consist of either a Habitat Management Plan (HMP) or Covenant of Easement Grantor's Duties specific language and either document would identify the responsible entity, Habitat Manager, and funding source for long term-maintenance and management.

PARKS AND RECREATION

28. Prior to recordation of the Final Map, the Subdivider shall provide a recreation easement over Lot B (1.70 acres) and Lot D (1.61 acres) for a total of 3.31 useable acres of population-based park land.
29. Prior to recordation of the Final Map, the Subdivider shall provide a recreation easement over Lot A, and Lot 5 for public access.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24005875

(R-2016-)

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING AN AMENDMENT TO THE MISSION VALLEY COMMUNITY PLAN AND ATLAS SPECIFIC PLAN, AND TO AMEND THE GENERAL PLAN.

WHEREAS, on _____, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the General Plan, the Mission Valley Community Plan (Community Plan) adopted on November 16, 1982, pursuant to Resolution No. R-257496, and the Atlas Specific Plan adopted on December 13, 1988, pursuant to Resolution No. R-272571, and its subsequent amendments, to remove of the project site from the Atlas Specific Plan and to reflect the land use change from Commercial Recreation to Multi Use.

WHEREAS, the project site is located at 500 Hotel Circle North, and is bounded to the south by Hotel Circle North and Camino De La Reina, to the west by Fashion Valley Road, to the north by Riverwalk Drive and Fashion Valley Mall; and

WHEREAS, the project site is legally is described within attached Exhibit A; and

WHEREAS, the 2008 General Plan will be amended due to the Community Plan being part of the Land Use Element of the adopted General Plan; and

WHEREAS, the Planning Commission found, based on its hearing record, that this amendment retains internal consistency with the Community Plan and the 2008 General Plan and that the proposed amendment helps achieve long-term community and citywide goals; and

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

the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council has considered the Planning Commission record and recommendation as well as all maps, exhibits, and written documents contained in the file for this amendment on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the amendment of the General Plan, the Community Plan, and the Atlas Specific Plan, with a copy of said amendment being on file in the office of the City Clerk as Document No. RR-_____.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By _____

Deputy City Attorney

MJL:pev

INSERT Date

Or.Dept:DSD

R-2016- INSERT

Form=r-t.frm(61203wct)

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel A: All that Portion of Lot 2 of Mission Valley Ball Park, in the City Of San Diego, County of San Diego, State of California, According to Map Thereof No. 3755, filed in the Office of the County Recorder of San Diego County, December 6, 1957, described as follows: Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2, North 14° 55' 19" West -record North 15° 20' 48" West- 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170, on file in the Office of said County Recorder, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence easterly along said curve and along said southerly boundary of Fashion Valley through a central angle of 01° 45' 56" an arc distance of 154.08 feet; thence tangent to said curve North 68° 59' 50" East, along said southerly boundary, 508.97 feet, more or less, to a point in the westerly line of Lot 8, E. W. Morse's Subdivision, Map No. 103, on file in the Office of the County Recorder of said County, being also a point in the boundary of said Mission Valley Ball Park; thence along said boundary the following courses: South 14° 50' 59" East -record South 15° 20' 48" East- 105.41 feet; South 74° 55' 10" West- record South 74° 39' 12" West- 65.00 Feet; South 14° 50' 59" East- Record South 15° 20' 48" East- 224.68 feet; South 75° 52' 53" West 594.22 Feet- Record South 75° 24' 12" West, 594.20 feet- to the point of beginning;

Parcel B: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City Of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029 made in the action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County Of San Diego, filed in the County Clerk's Office, described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West -record North 15° 15" West- 1485.00 feet; thence leaving said easterly line South 75° 20' West 275.10 feet to the true point of beginning; thence continuing South 75° 20' West 74.90 feet to a tangent 233.12 foot radius curve to the left; thence southwesterly along the arc of said curve 307.43 feet, more or less, through a central angle of 75° 33' 34" to the southerly line of that parcel of the land described in the Deed to E. A. Wittmer, recorded March 20, 1947, as File No. 30506, in Book 2349, Page 466 of Official records; thence South 75° 20' West along said southerly line and its westerly prolongation 497.20 feet, more or less, to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line North 15° 30' 45" West 89.12 feet to a tangent 60.00 foot radius curve, the center of which bears North 74° 29' 15" East from the point of tangency; thence southeasterly along the arc of said curve 93.36 feet, through a central angle of 89° 09' 15" thence tangent to said curve North 75° 20' East 14.47 feet to a tangent 25 foot radius curve to the left; thence northeasterly along the arc of said curve 19.93 feet, through a central angle of 45° 41'; thence tangent to said curve North 29° 39' East 210.51 Feet 43030662P -U50 to a tangent 500 foot radius curve to the right; thence northeasterly along the arc of said curve 148.60 feet, more or less, through a central angle of 17° 01' 43" to a line which bears South 15° 30' 45" East from the southeasterly corner of a parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded North 4, 1949 as File No. 102379 in Book 3376, Page 102 of Official Records; thence North 15° 30' 45" West 127.13 feet, more or less, to a line which is parallel with and 25 feet southerly at right angles from the southerly line of said Roberts land; thence along said parallel line North 74° 29' 15" East 440.61 feet, more or less, to a line which bears North 15° 25' West from the true point of beginning thence South 15° 25' East along said line 236.25 feet, more or less, to the true point of beginning;

Parcel C: All that portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: beginning at a point in the easterly line of said Lot 4 distant along said line North 14° 55' 19" West-record North 15° 15' 00" West- 1485.00 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly line, North 14° 55' 19" West 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170 filed in the Office of the Recorder of said County, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence westerly along said curve, and along said southerly boundary through a central angle of 04° 15' 04" an arc distance of 370.98 feet- record 370.10 feet; thence tangent to said curve, along said southerly boundary, South 75° 00' 50" West, 734.57 feet to the southwest corner of said Map No. 6170; thence leaving said boundary South 14° 59' 10" East along the westerly line of said Lot 4, 399.06 feet, more or less, to the northwest corner of that parcel of land described in Parcel I in Deed to Town And Country Development, Inc., recorded August 16, 1961 as File No. 140984 of Official Records; thence easterly along the northerly line of said Parcel L, North 75° 51' 31" East -record North 75° 20' 00" East- 530.32 feet to a point in a non-tangent 233.12 foot radius curve, concave southeasterly, said point being the southeasterly corner of land described in Deed to Everett C. Davis And Ellen S. Davis recorded August 31, 1961 as File No. 151988 of Official Records: thence northerly and easterly along said curve and along the boundary of said Davis' land an arc distance of 304.40 feet, more or less, thence continuing along said boundary of Davis' land, North 75° 00' 50" East- record North 75° 20' 00" East- 330.00 feet, more or less, to a point which lies 20.00 feet, measured at right angles, from said easterly line of Lot 4; thence southerly, parallel with said easterly line of Lot 4, 175.00 feet; thence easterly, at right angles, to the last described course 20.00 feet to a point in said easterly line of Lot 4; thence northerly along said easterly line of Lot 4; 175.00 feet to the point of beginning. Excepting therefrom the above described Parcel C all that portion included within that Parcel I described in Deed to Betty Fowler, recorded February 6, 1952 In Book 4364, Page 164 of Official Records. Also excepting therefrom all that land described above as Parcel B. Also excepting therefrom that portion lying within Fashion Valley Road. Said land is shown on Record of Survey No. 2595, recorded January 25, 1951;

Parcel D: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4, distant along said line, North 15° 25' West- record North 15° 15' West- 1485.00 feet from the southeasterly corner of said Lot 4; thence South 75° 20' West, 54.61 feet to the true point of beginning said point being the beginning of a tangent 30 foot radius curve, concave southwesterly, having a radius of 30.00 feet; thence easterly and southeasterly along said curve, through a central angle of 89° 15', a distance of 46.73 feet; thence South 15° 25' East, 145.39 feet to a point in the southerly line of Parcel I of that land described in the Deed to E. A. Widmer, recorded on March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records: thence along the southerly line of said Parcel I, South 75° 20' West, 250.10 feet; thence North 15° 25' West, 175.00 feet to an intersection with a line bearing South 75° 20' West, from the true point of beginning; thence North 75° 20' East, 220.49 feet to the true point of beginning;

Parcel E: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4 distant along said line North 15° 25' West (record North 15° 15' West) 1310 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly lot line, North 15° 25' West 175 feet; thence South 75° 20' West 350 feet to the beginning of a 233.12 foot radius curve concave southeasterly, a radial line at said point bearing North 15° 25' West, being also the true point of beginning of the property herein described; thence southwesterly along said curve 307.43 feet - record 304.40 feet - more or less, to the southerly line of that Parcel I of the land described in the Deed To E. A. Wittmer, recorded March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records; thence along said southerly line of Wittmer's Parcel I, North 75° 20' East 302.95 Feet - record North 75° 30' East 300 feet - more or less, to the southwesterly corner of that parcel of land described in the Deed to Arthur H. Marx Et Ux, recorded March 19, 1951 as Document No. 34219 in Book 4016, Page 207 of Official Records; thence North 15° 25' West along said Marx Land, 175 feet to the northwesterly corner thereof; thence South 75° 20' West 74.90 feet to the true point of beginning;

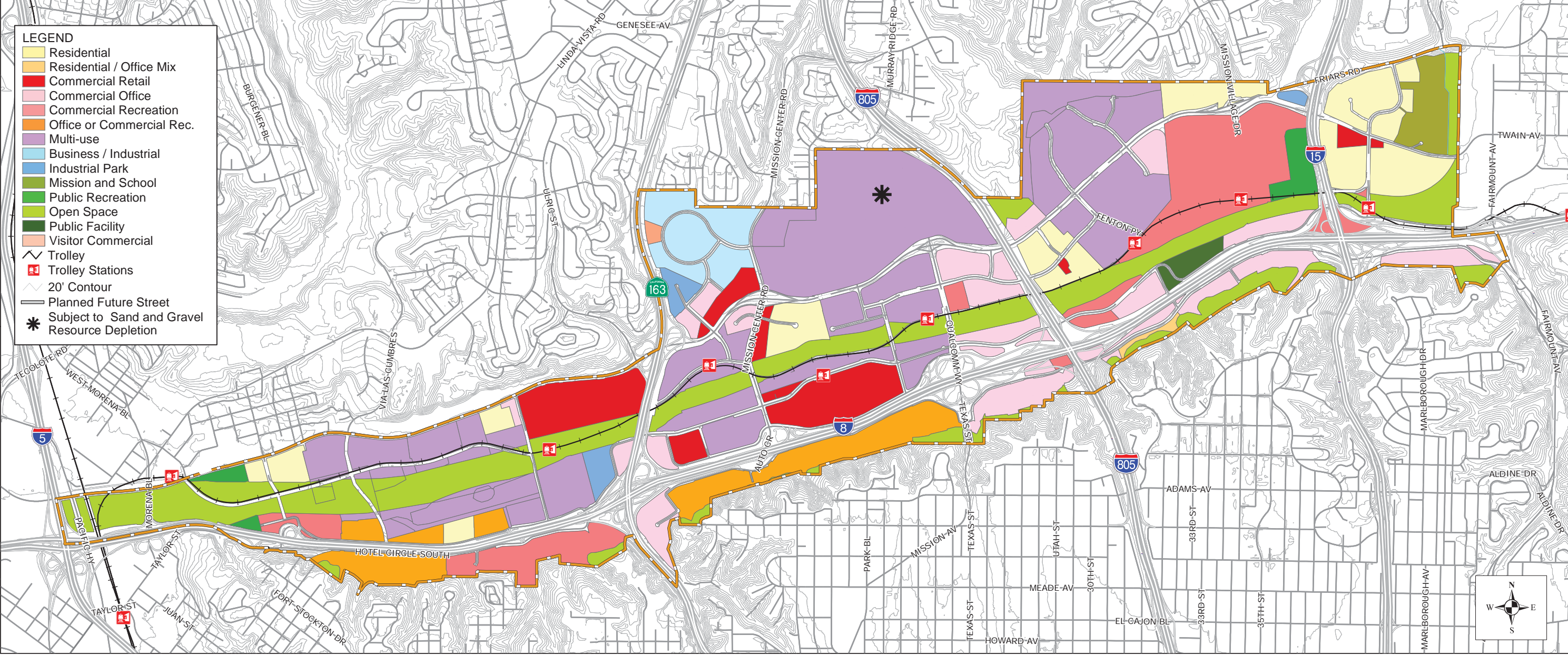
Parcel F: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point on the easterly line of Lot 4 distant thereon North 15° 25' 00" West 1485.00 feet from the southerly corner thereof; thence South 75° 20' West 54.61 feet to a tangent 30.00 foot radius curve concave southwesterly and being the true point of beginning; thence southeasterly along the arc of said curve 46.73 feet; thence leaving the arc of said curve South 15° 25' 00" East 145.39 feet; thence North 75° 20' 00" East to a point which bears South 75° 20' 00" West 20.00 feet from said easterly line; thence North 15° 25' 00" West - record thence along said easterly line - 175.00 feet; thence South 75° 20' 00" West record thence leaving said easterly line - to the true point of beginning ;

Parcel G: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West - record North 15° 15' West - 1725.31 feet to a line which is parallel with and 25 feet southerly at right angles from the location and prolongation of the southerly line of that parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded November 4, 1949 as Document No. 102379 in Book 3376, Page 102 of Official Records; thence along said parallel line South 74° 29' 15" West 715.69 feet to an intersection with a line which bears South 15° 30' 45" East from the southeasterly corner of said Roberts land; said intersection being the true point of beginning of the property herein described: thence continuing along said parallel line South 74° 29' 15" West, 360.14 feet to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line South 15° 30' 45" East 310.32 feet to the beginning of a tangent 60 foot radius curve, concave northeasterly; thence southerly, southeasterly and easterly along said curve, 93.36 feet through an angle of 89° 09' is"; thence tangent to said curve North 75° 20' East 14.47 feet to the beginning of a tangent 25 foot radius curve, concave northwesterly; thence northeasterly along said curve 19.93 feet through an angle of 45° 41'; thence tangent to said curve

North 29° 39' East 210.51 feet to the beginning of a tangent 500 foot radius curve, concave southeasterly; thence northeasterly along said curve 148.60 feet through an angle of 17°01'43"- record northeasterly along said curve 140 feet - more or less, to a line which bears South 15° 30' 45" East from the true point of beginning; thence North 15° 30' 45" West 127.13 feet- record 121 feet- more or less to the true point of beginning;


Parcel H: Lot 1 of Town and Country Hotel, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 6274, filed in the Office of the County Recorder of San Diego County, January 24, 1969;


Parcel I: Lots 1 and 2 of Seven Inns Subdivision, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 5671, filed in the Office of the County Recorder of San Diego County, December 30, 1965.

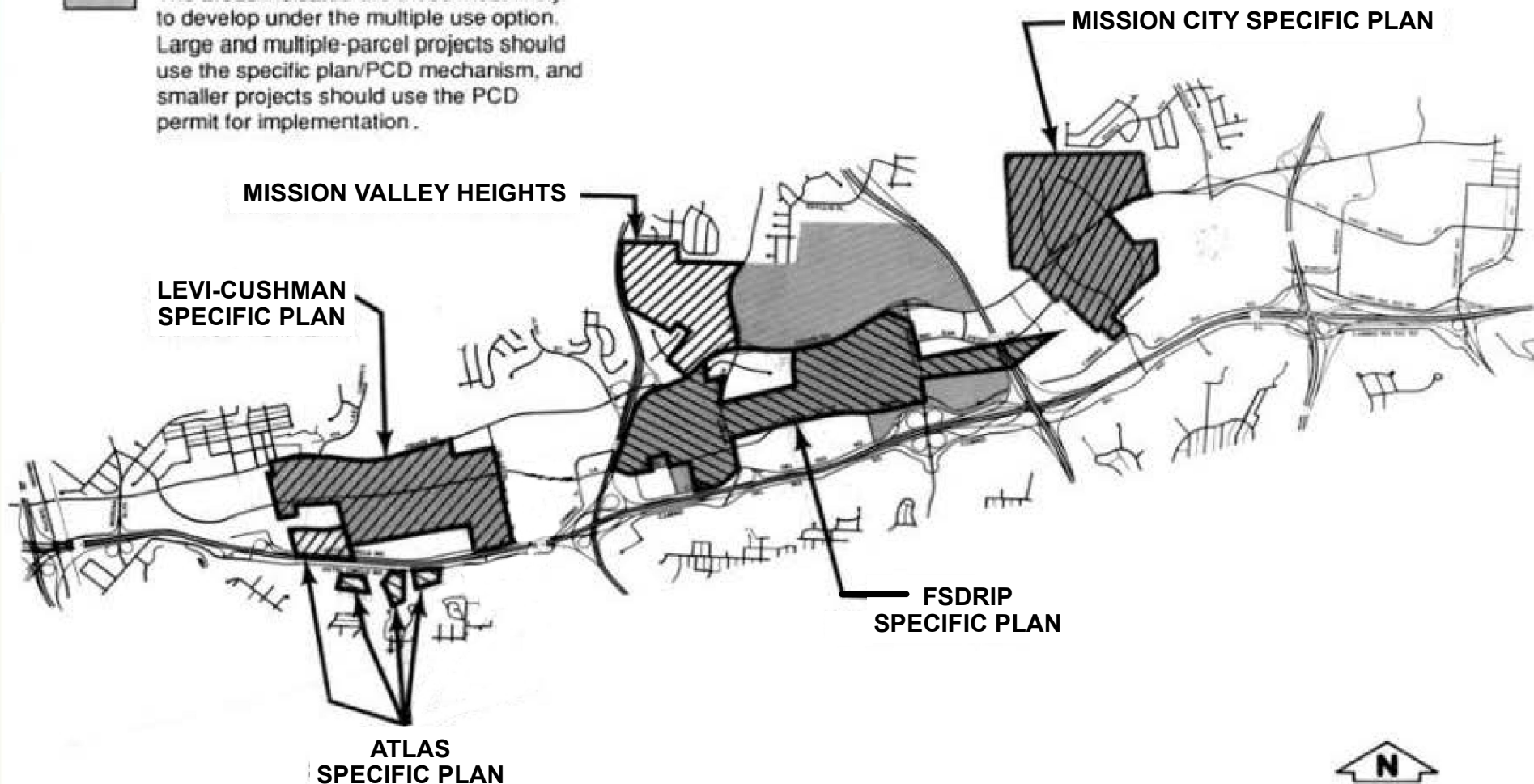


Land Use
Mission Valley Community Plan

5
FIGURE

 These areas are covered by adopted specific plans. Refer to the identified specific plan document for more detailed information.

 The areas indicated are those most likely to develop under the multiple use option. Large and multiple-parcel projects should use the specific plan/PCD mechanism, and smaller projects should use the PCD permit for implementation.



Specific Plan/Multiple Use Areas
Mission Valley Community Plan

10
FIGURE

TOWN AND COUNTRY-PROJECT NO. 424475 AMENDED ATLAS SPECIFIC PLAN

**Due to the size of the Amended Atlas Specific Plan
Document (268 Pages).**

**The following link is to the Planning Commission website,
which contains the track change version of the
Amended Atlas Specific Plan.**

[Reports to the Planning Commission](#)
[Report No. PC-17-032-](#)
[Atlas Specific Plan Amended -tracked](#)

REZONE ORDINANCE

(O-**INSERT**-)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING A PORTION OF A 39.72-ACRES LOCATED AT 500 HOTEL CIRCLE NORTH, WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA FROM THE OF-1-1 ZONE INTO THE MISSION VALLEY PLANNED DISTRICT MV-M ZONE FROM THE MISSION VALLEY PLANNED DISTRICT MV-M/SP ZONE INTO THE MISSION VALLEY PLANNED DISTRICT MV-M ZONE AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0205 AND 1514.0307; AND REPEALING ORDINANCE NO. O-18451 NS (NEW SERIES), ADOPTED DECEMBER 9, 1997, AND ORDINANCE NO. O-19601 NS (NEW SERIES), ADOPTED MARCH 3, 2007, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

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

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 2.0-acres of a portions of a 39.72 site located at 500 Hotel Circle North, and legally described in Exhibit A, in the Mission Valley Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4324, filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the OF-1-1 Zone into the Mission Valley Planned District MV-M Zone, and 31.30-acres from the Mission Valley Planned District MV-M/SP Zone into the

Mission Valley Planned District MV-M Zone, as the zones are described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 2 and Chapter 15 Article 14 Division 3. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-18451 NS (New Series), adopted December 9, 1997, and Ordinance No. O-19601 NS (NEW SERIES), adopted March 3, 2007, of the ordinances of the City of San Diego are repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By _____
Attorney name
Deputy City Attorney

Attachment: Exhibit A-Legal Description

EXHIBIT A

The project site is legally described as: Parcel A: All that Portion of Lot 2 of Mission Valley Ball Park, in the City Of San Diego, County of San Diego, State of California, According to Map Thereof No. 3755, filed in the Office of the County Recorder of San Diego County, December 6, 1957, described as follows: Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2, North 14° 55' 19" West -record North 15° 20' 48" West- 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170, on file in the Office of said County Recorder, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence easterly along said curve and along said southerly boundary of Fashion Valley through a central angle of 01° 45' 56" an arc distance of 154.08 feet; thence tangent to said curve North 68° 59' 50" East, along said southerly boundary, 508.97 feet, more or less, to a point in the westerly line of Lot 8, E. W. Morse's Subdivision, Map No. 103, on file in the Office of the County Recorder of said County, being also a point in the boundary of said Mission Valley Ball Park; thence along said boundary the following courses: South 14° 50' 59" East -record South 15° 20' 48" East- 105.41 feet; South 74° 55' 10" West- record South 74° 39' 12" West- 65.00 Feet; South 14° 50' 59" East- Record South 15° 20' 48" East- 224.68 feet; South 75° 52' 53" West 594.22 Feet- Record South 75° 24' 12" West, 594.20 feet- to the point of beginning;

Parcel B: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City Of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029 made in the action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County Of San Diego, filed in the County Clerk's Office, described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West -record North 15° 15" West- 1485.00 feet; thence leaving said easterly line South 75° 20' West 275.10 feet to the true point of beginning; thence continuing South 75° 20' West 74.90 feet to a tangent 233.12 foot radius curve to the left; thence southwesterly along the arc of said curve 307.43 feet, more or less, through a central angle of 75° 33' 34" to the southerly line of that parcel of the land described in the Deed to E. A. Wittmer, recorded March 20, 1947, as File No. 30506, in Book 2349, Page 466 of Official records; thence South 75° 20' West along said southerly line and its westerly prolongation 497.20 feet, more or less, to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line North 15° 30' 45" West 89.12 feet to a tangent 60.00 foot radius curve, the center of which bears North 74° 29' 15" East from the point of tangency; thence southeasterly along the arc of said curve 93.36 feet, through a central angle of 89° 09' 15" thence tangent to said curve North 75° 20' East 14.47 feet to a tangent 25 foot radius curve to the left; thence northeasterly along the arc of said curve 19.93 feet, through a central angle of 45° 41'; thence tangent to said curve North 29° 39' East 210.51 Feet 43030662P -U50 to a tangent 500 foot radius curve to the right; thence northeasterly along the arc of said curve 148.60 feet, more or less, through a central angle of 17° 01' 43" to a line which bears South 15° 30' 45" East from the southeasterly corner of a parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded North 4, 1949 as File No. 102379 in Book 3376, Page 102 of Official Records; thence North 15° 30' 45" West 127.13 feet, more or less, to a line which is parallel with and 25 feet southerly at right angles from the southerly line of said Roberts land; thence along said parallel line North 74° 29' 15" East 440.61 feet, more or less, to a line which bears North 15° 25' West from the true point of beginning thence South 15° 25' East along said line 236.25 feet, more or less, to the true point of beginning;

Parcel C: All that portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: beginning at a point in the easterly line of said Lot 4 distant along said line North 14° 55' 19" West-record North 15° 15' 00" West- 1485.00 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly line, North 14° 55' 19" West 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170 filed in the Office of the Recorder of said County, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence westerly along said curve, and along said southerly boundary through a central angle of 04° 15' 04" an arc distance of 370.98 feet- record 370.10 feet; thence tangent to said curve, along said southerly boundary, South 75° 00' 50" West, 734.57 feet to the southwest corner of said Map No. 6170; thence leaving said boundary South 14° 59' 10" East along the westerly line of said Lot 4, 399.06 feet, more or less, to the northwest corner of that parcel of land described in Parcel I in Deed to Town And Country Development, Inc., recorded August 16, 1961 as File No. 140984 of Official Records; thence easterly along the northerly line of said Parcel L, North 75° 51' 31" East -record North 75° 20' 00" East- 530.32 feet to a point in a non-tangent 233.12 foot radius curve, concave southeasterly, said point being the southeasterly corner of land described in Deed to Everett C. Davis And Ellen S. Davis recorded August 31, 1961 as File No. 151988 of Official Records: thence northerly and easterly along said curve and along the boundary of said Davis' land an arc distance of 304.40 feet, more or less, thence continuing along said boundary of Davis' land, North 75° 00' 50" East- record North 75° 20' 00" East- 330.00 feet, more or less, to a point which lies 20.00 feet, measured at right angles, from said easterly line of Lot 4; thence southerly, parallel with said easterly line of Lot 4, 175.00 feet; thence easterly, at right angles, to the last described course 20.00 feet to a point in said easterly line of Lot 4; thence northerly along said easterly line of Lot 4; 175.00 feet to the point of beginning. Excepting therefrom the above described Parcel C all that portion included within that Parcel I described in Deed to Betty Fowler, recorded February 6, 1952 In Book 4364, Page 164 of Official Records. Also excepting therefrom all that land described above as Parcel B. Also excepting therefrom that portion lying within Fashion Valley Road. Said land is shown on Record of Survey No. 2595, recorded January 25, 1951;

Parcel D: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4, distant along said line, North 15° 25' West- record North 15° 15' West- 1485.00 feet from the southeasterly corner of said Lot 4; thence South 75° 20' West, 54.61 feet to the true point of beginning said point being the beginning of a tangent 30 foot radius curve, concave southwesterly, having a radius of 30.00 feet; thence easterly and southeasterly along said curve, through a central angle of 89° 15', a distance of 46.73 feet; thence South 15° 25' East, 145.39 feet to a point in the southerly line of Parcel I of that land described in the Deed to E. A. Widmer, recorded on March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records: thence along the southerly line of said Parcel I, South 75° 20' West, 250.10 feet; thence North 15° 25' West, 175.00 feet to an intersection with a line bearing South 75° 20' West, from the true point of beginning; thence North 75° 20' East, 220.49 feet to the true point of beginning;

Parcel E: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4 distant along said line North 15° 25' West (record North 15° 15' West) 1310 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly lot line, North 15° 25' West 175 feet; thence South 75° 20' West 350 feet to the beginning of a 233.12 foot radius curve concave southeasterly, a radial line at said point bearing North 15° 25' West, being also the true point of beginning of the property herein described; thence southwesterly along said curve 307.43 feet - record 304.40 feet - more or less, to the southerly line of that Parcel I of the land described in the Deed To E. A. Wittmer, recorded March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records; thence along said southerly line of Wittmer's Parcel I, North 75° 20' East 302.95 Feet - record North 75° 30' East 300 feet - more or less, to the southwesterly corner of that parcel of land described in the Deed to Arthur H. Marx Et Ux, recorded March 19, 1951 as Document No. 34219 in Book 4016, Page 207 of Official Records; thence North 15° 25' West along said Marx Land, 175 feet to the northwesterly corner thereof; thence South 75° 20' West 74.90 feet to the true point of beginning;

Parcel F: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point on the easterly line of Lot 4 distant thereon North 15° 25' 00" West 1485.00 feet from the southerly corner thereof; thence South 75° 20' West 54.61 feet to a tangent 30.00 foot radius curve concave southwesterly and being the true point of beginning; thence southeasterly along the arc of said curve 46.73 feet; thence leaving the arc of said curve South 15° 25' 00" East 145.39 feet; thence North 75° 20' 00" East to a point which bears South 75° 20' 00" West 20.00 feet from said easterly line; thence North 15° 25' 00" West - record thence along said easterly line - 175.00 feet; thence South 75° 20' 00" West record thence leaving said easterly line - to the true point of beginning ;

Parcel G: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of Thomas J. Daley Vs. Arpad Haraszthy, Et Al, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West - record North 15° 15' West - 1725.31 feet to a line which is parallel with and 25 feet southerly at right angles from the location and prolongation of the southerly line of that parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded November 4, 1949 as Document No. 102379 in Book 3376, Page 102 of Official Records; thence along said parallel line South 74° 29' 15" West 715.69 feet to an intersection with a line which bears South 15° 30' 45" East from the southeasterly corner of said Roberts land; said intersection being the true point of beginning of the property herein described; thence continuing along said parallel line South 74° 29' 15" West, 360.14 feet to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line South 15° 30' 45" East 310.32 feet to the beginning of a tangent 60 foot radius curve, concave northeasterly; thence southerly, southeasterly and easterly along said curve, 93.36 feet through an angle of 89° 09' is"; thence tangent to said curve North 75° 20' East 14.47 feet to the beginning of a tangent 25 foot radius curve, concave northwesterly; thence northeasterly along said curve 19.93 feet through an angle of 45° 41'; thence tangent to said curve

North 29° 39' East 210.51 feet to the beginning of a tangent 500 foot radius curve, concave southeasterly; thence northeasterly along said curve 148.60 feet through an angle of 17°01'43"- record northeasterly along said curve 140 feet - more or less, to a line which bears South 15° 30' 45" East from the true point of beginning; thence North 15° 30' 45" West 127.13 feet- record 121 feet- more or less to the true point of beginning;

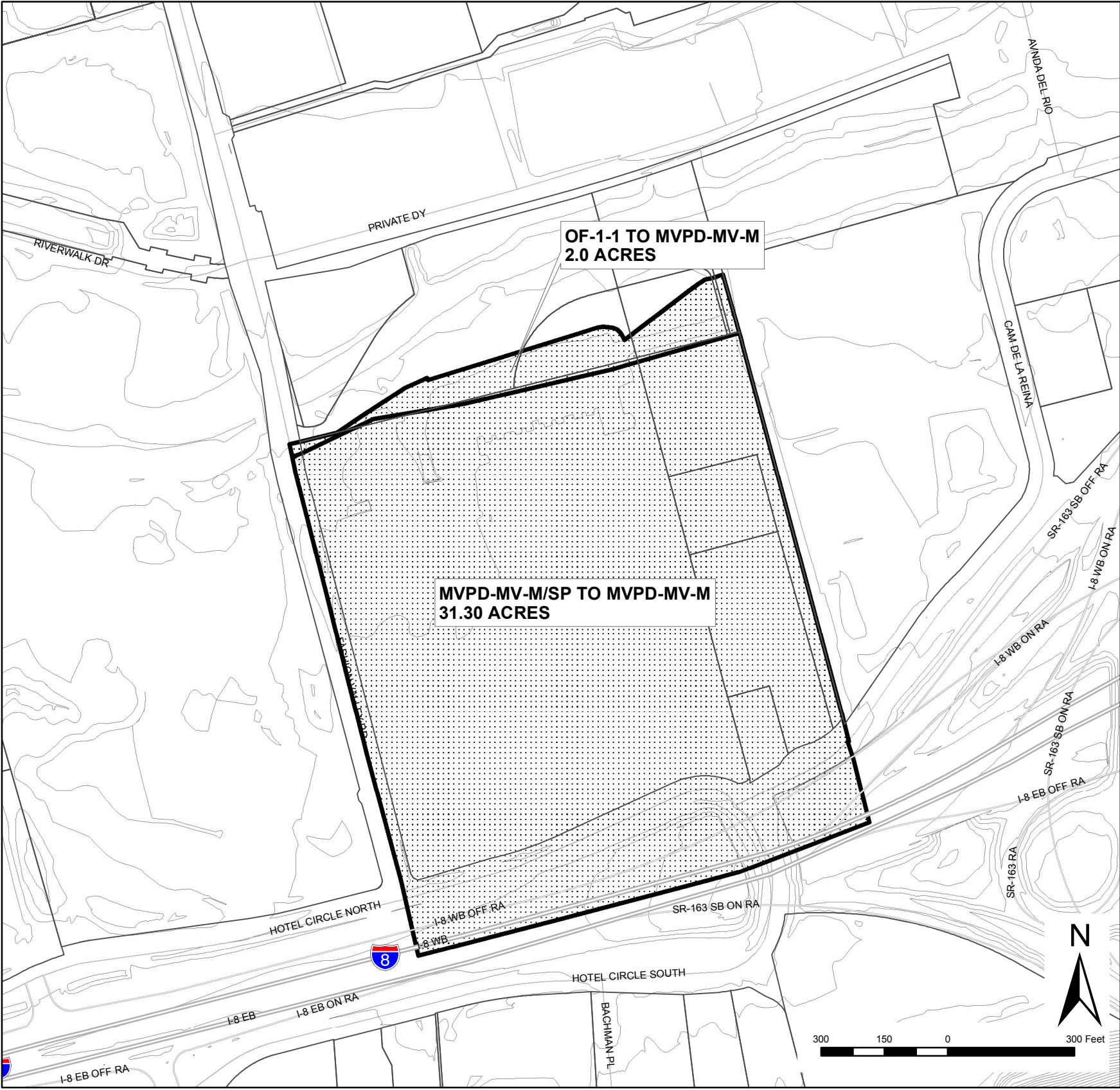
Parcel H: Lot 1 of Town and Country Hotel, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 6274, filed in the Office of the County Recorder of San Diego County, January 24, 1969;

Parcel I: Lots 1 and 2 of Seven Inns Subdivision, in the City Of San Diego, County of San Diego, State of California, according to Map thereof No. 5671, filed in the Office of the County Recorder of San Diego County, December 30, 1965;



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



LOT 1,2 & 4 *(EX ST&DOC96-601693)PAR A,B&C PER DOC68-190626		CASE NO.
ORDINANCE NO. _____	REQUEST MVPD-MV-M	
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	DEVELOPMENT SERVICES MANAGER
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	B- 4324
BEFORE DATE _____		APN:437-260-18 thru 49
EFF. DATE ZONING _____		(216-1716 & 218-1716) 4-11-17 LDJ
MAP NAME AND NO. _____		

ATTACHMENT 22

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 424475/SCH NO. 2015121066, ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM; TOWN AND COUNTRY-PROJECT NO. 424475

WHEREAS, on September 28, 2015, HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, submitted an application to Development Services Department for Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan; Rezone; Master Planned Development Permit, Site Development Permit, Conditional Use Permit, Vesting Tentative Map and Easement Vacation, for the Town and Country (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____ 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 City Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 424475/SCH No. 2015121066 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report 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 Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, and that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit A.

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

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

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

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By: _____
DEPUTY CITY ATTORNEY

ATTACHMENT(S): Exhibit A, Findings/Statement of Overriding Considerations
 Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

FINDINGS/STATEMENT OF OVERRIDING CONSIDERATIONS

[To be provided to the Planning Commission at distribution.]

EXHIBIT B**MITIGATION MONITORING AND REPORTING PROGRAM**

TOWN AND COUNTRY - PROJECT NO. 424475

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 Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 424475/SCH No. 2015121066 shall be made conditions of Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, Conditional Use Permit No. 1904584, Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945 (amendment to Planned Commercial Development/ Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602), as may be further described below.

The following general requirements would be a part of the proposed project MMRP:

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: <http://www.sandiego.gov/development-services/industry/standtemp.shtml>.
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/ Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

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

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

- Qualified Acoustician, Biologist
- Qualified Revegetation Installation Contractor, Biologist
- Qualified Revegetation Maintenance Contractor, Biologist
- Qualified Principal Restoration Specialist, Biologist
- Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit), Biologist
- Qualified Archaeological Monitor, Archaeologist
- Qualified Native American Monitor, Archaeologist
- Qualified Principal Investigator, Archaeologist

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – (858) 627-3200
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at (858) 627-3360
2. **MMRP COMPLIANCE:** This project, Project Tracking System (PTS) No. 424475 and /or Environmental Document No. 424475, 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.

- U.S. Army Corps of Engineers (USACE) – Clean Water Act (CWA) Section 404 Nationwide Permits
- California Department of Fish and Wildlife (CDFW)—Fish and Game Code Section 1602 Streambed Alteration Agreement
- RWQCB — Section 401 Water Quality Certification, Storm Water Pollution Prevention Plan in compliance with the Construction General Permit, and a Dewatering Permit

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on an 11" x 17" 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
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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
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Traffic	Traffic Reports	Traffic Features Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Historical Resources (Archaeology)

AR-1 Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted)

based on the appropriate construction documents (reduced to 11" x 17") to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. *Monitor(s) Shall be Present During Grading/Excavation/Trenching*

- 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
- 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
- 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities,

presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as

defined in CEQA, then the limits on the amount(s) that an applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

*D. If Human Remains are **NOT** Native American*

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

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

B. If night and/or weekend work becomes necessary during the course of construction

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

VI. Post Construction

A. *Preparation and Submittal of Draft Monitoring Report*

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

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

C. Curation of Artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Historical Resources (Built Environment)

HR-1 Recordation of the Resource: Prior to issuance of a demolition permit for the Regency Conference Center, Secretary of the Interior-qualified professionals (in history or

architectural history) shall perform photo-recording and documentation consistent with the standards of the National Park Service's (NPS) Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation. HABS/HAER documentation shall consist of archival photographs, written data (e.g., historic context, building descriptions), and reproductions of historic drawings (or measured drawings, if no historic drawings are available or suitable for reproduction), that provide a detailed record that reflects the building's historical significance. The historical resource shall receive HABS/HAER documentation Level III, as described in NPS documentation for HABS/HAER (Russell 1990:4). If historical as-built drawings do not exist (or are not reproducible to HABS/HAER standards), then measured drawings shall be prepared to document the structure and its alterations to the standards set for a Level I HABS/HAER report, or another appropriate level depending on available information. Following completion of the HABS/HAER documentation and approval by the City Development Services Department's historical resources staff, the materials shall be placed on file with the City, San Diego History Center, and San Diego Central Library, and offered to the NPS and the Library of Congress.

HR-2 Architectural Salvage: Prior to issuance of a demolition permit, the Applicant shall make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and non-profit organizations to preserve, interpret, and display the history of the Town & Country property. The materials to become architectural salvage shall include historic-period elements that would be removed as part of the project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. Prior to issuance of a Demolition/Removal Permit, the City Development Services Department's historical resources staff will ensure that no materials shall be salvaged or removed until HR-1 has been implemented and an inventory of key exterior and interior features and materials is completed by Secretary of the Interior-qualified professionals. The inventory of key exterior and interior features may be developed as part of HR-1. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, or decayed would not be included in the salvage program and would not be available for future use or display. Prior to demolition, the City as lead agency shall determine which materials are suitable for salvage (the City's Development Services Department's historical resources staff can utilize the assistance of qualified professionals to make such determinations).

HR-3 Interpretative Display: Prior to issuance of a demolition permit and in concert with HABS/HAER documentation, the Applicant shall develop a display and interpretive material for public exhibition concerning the history of the Town & Country property,

specifically the significance of the Regency Conference Center. The display and interpretive material, such as a printed brochure, could be based on the photographs produced in the HABS/HAER documentation, and the historic archival research previously prepared as part of the project. This display and interpretive material shall be available to schools, museums, archives and curation facilities, libraries, nonprofit organizations, the public, and other interested agencies. A display shall be placed within a publicly accessible location in the new hotel facilities prior to obtaining an occupancy permit.

Air Quality

During Construction

- AQ-1: The construction contractor shall maintain and properly tune all construction equipment in accordance with manufacturer's specifications.
- AQ-2: The construction contractors shall minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure 13 CCR 2485). Clear signage shall be provided for construction workers at all access points.
- AQ-3: When construction activities occur on the project site after occupancy of any residential parcels, the construction contractor shall use off-road construction diesel engines that meet, at a minimum, the Tier 4 California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 3 engines will be allowed on a case-by-case basis when the contractor has documented that no Tier 4 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two construction equipment rental firms.

Noise (Operation)

Prior to Permit Issuance

- NOI-1:** The City shall require the design and installation of stationary noise sources for the project to include the following:
- Implement best design considerations and shielding, including installing stationary noise sources associated with HVAC systems indoors in mechanical rooms.
 - Prior to the issuance of a building permit, the Applicant or its designee shall prepare an acoustical study(s) of proposed mechanical equipment, which shall

identify all noise-generating equipment, predict noise level property lines from all identified equipment, and recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City of San Diego Noise Ordinance.

Transportation/Circulation

TRANS-1 Hotel Circle N.: Fashion Valley Road to Private Drive A: Prior to issuance of the first building permit, the developer/permittee shall assure by permit and bond the widening of this segment to accommodate a 4-lane Collector consistent with the MVCP, to the satisfactory to the City Engineer. The widening would occur on the north side of Hotel Circle N. between Hotel Circle N. and Camino De La Reina. This shall accommodate an additional westbound and eastbound through lane with a two-way left-turn lane. The widening will also include Class II bike lanes on both sides. To implement this mitigation, approximately 37 to 39 feet of widening would be required on the Town & Country property. The traffic signals at Hotel Circle N. / Fashion Valley Road and Hotel Circle N. / Camino De La Reina intersections shall be modified accordingly. All improvements shall be constructed and accepted by the City Engineer prior to issuance of the first residential certificate of occupancy.

TRANS-2 Camino De La Reina: Hotel Circle to Private Drive D: Prior to issuance of the first building permit, the developer/permittee shall assure by permit and bond the widening of this segment to 4-lane Major standards consistent with the MVCP, to the satisfactory to the City Engineer. This would involve widening Camino De La Reina along the project frontage to include an additional westbound and eastbound through lane and a raised median. This widening would also include Class II bike lanes on both sides. To implement this mitigation, approximately 41 feet of widening is required on the Town & Country property. The traffic signal at Hotel Circle N. / Camino De La Reina will be modified accordingly. All improvements shall be constructed and accepted by the City Engineer prior to issuance of the first residential certificate of occupancy.

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 424475/SCH NO. 2015121066, ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT THE MITIGATION, MONITORING, AND REPORTING PROGRAM; ADOPT THE AMENDMENT TO THE ATLAS SPECIFIC PLAN, THE MISSION VALLEY COMMUNITY PLAN, AND GENERAL PLAN NO. 1499940; ADOPT THE REZONE NO. 1904698; APPROVE MASTER PLANNED DEVELOPMENT PERMIT NO. 1499941, SITE DEVELOPMENT PERMIT NO. 1499942, CONDITIONAL USE PERMIT NO. 1904584, VESTING TENTATIVE MAP NO. 1499943 AND EASEMENT VACATION NO. 1499945; AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT/CONDITIONAL USE PERMIT NO. 88-0585 AND SITE DEVELOPMENT PERMIT NO. 400602; TOWN AND COUNTRY - PROJECT NO. 424475 [MMRP]

WHEREAS, HOTEL CIRCLE PROPERTY, LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application for the redevelopment of the existing hotel and convention center with the addition of 840 residential units and accessory uses on a 39.72-acre site located at 500 Hotel Circle North in the Atlas Specific Plan and the Mission Valley Community Plan area; and

WHEREAS, on June 15, 2017, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego certification of Environmental Impact Report No. 424475/SCH No. 2015121066, adoption of the Findings and Statement of Overriding Considerations, and adoption of the Mitigation, Monitoring, and Reporting Program; adoption of the Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan No. 1499940; adoption of the Rezone No. 1904698; approval of the Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, Conditional Use Permit No. 1904584, Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945 (amendment to Planned Commercial Development/Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602); and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego to CERTIFY Environmental Impact Report No. 424475/SCH No. 2015121066, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program; ADOPT the Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan No. 1499940; ADOPT the Rezone No. 1904698; APPROVE Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, Conditional Use Permit No. 1904584, Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945.

Jeffrey A. Peterson
Development Project Manager
Development Services Department

Dated: June 15, 2017

By a vote of: __:__:__

Internal Order Number: 24005875

**MINUTES OF THE REGULAR MEETING OF THE
MISSION VALLEY PLANNING GROUP**

March 1, 2017

MEMBERS PRESENT

Steve Abbo
Deborah Bossmeyer
Paul Brown
Bob Cummings
Robert Doherty
Randall Dolph
Alan Grant
Derek Hulse
John La Raia
Elizabeth Leventhal
Kathy McSherry
Andrew Michajlenko
Jim Penner
Keith Pittsford
Marco Sessa
Dottie Surdi
Josh Weiselberg
Larry Wenell

MEMBERS ABSENT

Matthew Guillory
Rob Hutsel
Rick Tarbell

CITY STAFF

Nancy Graham
Liz Saidkhanian

A. CALL TO ORDER:

Verify Quorum: 18 of 21 members were present, constituting a quorum. Chairman Dottie Surdi called the regular meeting of the Mission Valley Planning Group (MVPG) to order at 12:03 p.m. at the Mission Valley Library Community Room located at 2123 Fenton Parkway, San Diego, CA.

B. PLEDGE OF ALLEGIANCE – led by Randall Dolph

C. INTRODUCTIONS / OPENING REMARKS:

Dottie Surdi welcomed everyone to the meeting and reminded those present to sign the sign in sheets. Guests introduced themselves.

D. APPROVAL OF MINUTES:

Dottie Surdi asked for a motion to approve the February 1, 2017 minutes.
A motion was made by Keith Pittsford to approve the minutes. Alan Grant seconded the motion.
The motion was approved 14-0-4 with Andrew Michajlenko, Derek Hulse, Dotti Surdi and Josh Weiselberg abstaining.

E. PUBLIC INPUT – NON-AGENDA ITEMS BUT WITHIN THE SCOPE OF AUTHORITY OF THE PLANNING GROUP.

“The Mission Valley Planning Group has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Mission Valley community

boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.” Mission Valley Planning Group Bylaws as Amended and approved July 2015.

F. MEMBERSHIP COMMITTEE:

Keith Pittsford announced there are 3 openings on the Mission Valley Planning Group Board; 2 Resident and 1 Property Owner. Keith introduced two applicants for the Resident openings, Kaye Durant and Mary Holland, and stated both were fully qualified and met all requirements of serving as members of the Planning Group.

Keith Pittsford distributed a ballot with both applicant’s presented for consideration. Keith Pittsford tallied the votes and both applicants were approved unanimously.

G. TREASURER’S REPORT:

Bob Doherty reported that the balance is unchanged at \$1,357.06.

H. NEW BUSINESS

INFORMATION ITEM: the chairman made an accommodation for FS Investors to present out of order on the agenda due to an unexpected timing issue for the presenter.

FS Investors, MLS Pursuit LLC, Nick Stone Presenting – Information item:

(note: Planning group member Andrew Michajlenko recused himself in advance of the presentation)

Nick Stone presented a proposed redevelopment of the Qualcomm stadium site. The redevelopment would include the construction of a Major League Soccer stadium, residential, office, riverfront park improvements and recreational play field. A website of www.goalsd.com was noted in the presentation materials as available for the public to review the project, and a legal notice of intent to circulate a public petition was published in the San Diego Union Tribune on Wednesday February 22, 2017.

Mr Stone highlighted the various aspects of the project including:

- 100% privately financed project.
- 55 acres of parkland which expands the River Park and adds community recreational fields
- Construction of a soccer stadium which could also be used by San Diego State University for football and other uses.
- Generates tax dollars for San Diego
- Development of a sports and entertainment district with retail, restaurants.
- Anticipates 3,520 residential units with 800 student residential units for the university and 480 units designated as affordable housing.
- 2.4 million square feet of office, 740 thousand square feet of commercial space and 450 hotel rooms.
- Mr Stone further noted that FS Investors has the exclusive rights to San Diego by MLS to bring a team to the city, and that 12 cities are currently vying for one of four MLS expansion teams. To be considered FS Investors has to provide for a stadium facility by March of 2020.

Comments and Questions included:

- What is the evidence that professional soccer would succeed in San Diego? Mr. Stone stated that the current 20 Major League teams have the third highest average attendance among all professional sports leagues in the United States. Also stated that soccer is the world’s most popular sport, and that San Diego television viewership during the last world cup was the 2nd

highest in the nation. They have also conducted some levels of pricing models with MLS to assess the viability of the market, and are working with top level executives in Soccer.

- (Q) Do the Kinder Morgan tanks impact the project? (A) Mr. Stone said that the tank farm is outside the scope of the project.
- (Q) How active is the FS Investors team working with UCSD on the size of the stadium to see if would be useful to their football program. (A) Mr. Stone said that they have had multiple conversations with the University over the past six months, and would continue on an ongoing basis.
- (Q) Questions arose on the permitting process. (A) Mr. Stone stated that they are putting forward a specific plan through the citizen's initiative process, followed by a request for council vote on the initiative. Going forward if the project or timelines stray outside the specific plan initiative language then the project would revert to the traditional permitting process.
- (Q) Questions regarding mitigation measures such as traffic, and the timing of the installation of mitigation measures. It was noted that traditional permitting process would insure that mitigation measures would be implemented and not side stepped. (A) Mr. Stone stated that the specific plan addresses traffic impacts with specific road an intersection improvements.
- (Q) Question regarding the trolley line, specifically the addition of the purple line to offset traffic impact. (A) Mr. Stone noted that the purple line as of today is unfunded, and for the purposes of the initiative were not assumed in their studies.
- (Q) It was noted that Serra Mesa was not mentioned in the specific plan traffic study, and that there is a direct impact of traffic from the current Qualcomm Stadium event days. (A) Mr. Stone stated that the specific plan indicates improvement on Friars to offset traffic.
- (Q) It was noted that the study states that traffic in the study is double what a typical Chargers 'game day' traffic was, but that would now be every day of the week/year. (A) Mr. Stone stated that was misleading as the ADT's in the specific plan study are spread throughout the day, and not bundled in a 3 or 4 hour window. He also stated that the specific plan traffic assumes a worst case scenario, and that the envisioned live, work, play environment follows the city of villages concept where there is less reliance on cars.
- (Q) Parking concerns were raised. (A) Mr. Stone said the parking study assumes a shared parking analysis based on the various uses.

The Planning Group briefly discussed how best to proceed with making a recommendation to the Council on such a significant City asset as the Qualcomm Stadium site. As the item was before the planning group as an 'information item' no action was taken. The chair noted that the item would be placed on the April agenda as an action item so further discussion and/or formal action could be taken.

ACTION ITEMS:

1. SDMM - Sean St. Peter Presenting – Action Item:

Project # 523179: The project is returning seeking approval from the MVPG for a conditional use permit for a proposed MMCC. The project consists of a Conditional Use Permit for a MMCC to operate within a 5,074 square foot tenant space of an existing two-story, 17,299 square foot commercial building located at 1233 Camino Del Rio South.

Applicant introduced himself and provided photographic maps of the area surrounding the CUP location that demonstrated 1,000 foot radius boundary limits of the property. This was in response to the February request by the MVPG. The applicant then invited questions about the application.

Comments and Questions included:

- Was the property properly noticed with signed posted as required. Applicant stated that they were, and has checked on them periodically as notices tend to be stolen or removed by those in opposition to the facility.
- San Diego for Safe Neighborhoods expressed concerns of criminal activity and sited concerns for the ill health effects of such use. Applicant briefly stated the benefits to those with illnesses.
- Is there an issue of the proposed CUP being within 1,000 feet of a school/park. Applicant stated that the steep hillsides elevation change breaks 1,000 foot path of travel to the school/park. Nancy Graham confirmed the stipulated code.
- Concern about proper noticing of neighbors within 1,000 feet. Applicant stated that they have followed all requirements of the city for noticing.
- Concerns of neighbors and how it would affect their customer base.
- One local business owner stated they had no concerns about the applicant or proposed CUP.

The board discussed that the San Diego City Council has adopted four MMCC's for each district, meaning a total of 4 MMCC CUP's are available for District 7 (within Mission Valley). It was also noted that a small portion of District 3 intersects with Mission Valley south of the 8 freeway and two MMCC's have been approved in that location of Mission Valley.

A motion was made by Marco Sessa to support the project with all cycle comments addressed.

Alan Grant seconded the motion. The motion was approved:

10 Ayes: Grant, Pittsford, McSherry, Bossmeyer, Sessa, Cummings, Penner, Hulse, Brown, Michajlenko.

7 Against: La Raia, Leventhal, Wenell, Surdi, Abbo, Doherty, Dolph

1 Abstain: Weiselberg

2. City of San Diego Public Works, Amy Mills, Project Manager and Jim Bliss, Psomas Presenting.
Project #523881: Mission Village Drive – from Ronda to Qualcomm, sidewalk improvements. The presenter gave a visual presentation of the project along Mission Village Drive traveling north up the hill from Qualcomm Stadium.

Comments and Questions included:

- Due to the steep hillside nature of the street, does or could the project include a few safe zones, specifically to accommodate ADA path of travel. The presenter stated that it may be difficult due to the steep hillsides beside the sidewalk but they understood the concern and would look into the issue further.

A motion was made by Jim Penner to recommend the project for approval, with inclusion of Keith Pittsford's suggestion to add "safe zones" along the path of travel for ADA due to steep grade of the street. Bob Cummings seconded the motion. Motion was approved unanimously.

3. Town and Country, Todd Majcher (Lowe Enterprises) Presenting.
Project #424475 Recommend approval of the Town and Country project including: Removal from the Atlas Specific Plan, Mission Valley Planned Development Ordinance Amendment, Rezone from MVPD-MV-MV/SP to MVPD-MV-M (MV-CV and MVR-5), General Plan Amendment, Mission Valley Community Plan Amendment, Planned Development Permit (Master Plan), Site

Development Permit, Amendment to Conditional Use Permit (CUP) 88-0585, Certification of the EIR, Vesting Tentative Map, Easement Vacations.

The applicant gave an overview of the project that included:

- Reducing hotel rooms from 954 keys to 700 keys
- Adding 840 residential units
- The project is fully consistent with Climate Action Plan
- Restoring 11 acres of the river frontage, and adding a 3 acre public park along river.
- Contributing \$64 million to City over 30 years, which is 50% higher than current levels.
- Regarding traffic, the project is adding no new Average Daily Trips (ADT). Hotel and convention center space ADT's offset lower traffic residential use ADT's.
- Randall Dolph reported the findings of the Design Advisory Board sub-committee meeting with the applicant (attached).

Comments and questions included:

- Great project, smart development, applicant has engaged both the public and the board over the past year in their process, and provide clear presentations.
- A question was asked how flood issues may impact the project. Applicant stated that they will improve flow of the river by removing non-native species, and improve elevation change with the public park allowing for better flood control.

A motion was made by Randall Dolph to recommend the project to the planning commission subject to and including all recommendations made by the Design Advisory Board. Alan Grant seconded the motion. The motion was approved unanimously.

3. MMCC, Jim Bartell Presenting.

Project #514308 A Process Three Conditional Use Permit and Site Development Permit for a Medical Marijuana Consumer Cooperative (MMCC) to operate within a 4,401-square-foot tenant space of an existing 10,318-square-foot commercial building located at 2425 Camino Del Rio South in the Commercial Office (MV-CO) Zone of the Mission Valley Planned District within the Mission Valley Community Plan Area.

The applicant gave a brief overview of the project, presenting the floor plans for the project, highlighting security measures, and stating that they operate another MMCC in San Diego for the past year without issues with regard to security. The applicant also stated that they have cleared 100% of all city cycle issues.

Comments and Questions included:

- Question regarding a trade school that operates within 1,000 feet of the applicant's proposed site. The applicant stated that the trade school is specifically geared to those 18 years and older, and that the city has cleared this issue.
- Questions regarding a church that holds services within 1,000 of the site. The applicant stated that the church is not permitted with a CUP to operate at their facility, and are looking for a new location. The city has stated that they do not consider this unpermitted use an impediment to the applicant's CUP request.
- Brief discussion on the number of MMCC's approved by the city for District 7. A total of 4 have been allocated by council. With one previously recommended, this would be the second for District 7.

- A concern was raised regarding parking for a 'retail' operation. The applicant stated that they have exceeded the City's parking requirement as part of clearing all city cycle issues.

A motion was made by Derek Hulse to approve. Bob Cummings seconded the motion. The motion was approved.

7 Ayes: Grant, Pittsford, Bossmeyer, Sessa, Cummings, Penner, Hulse.

6 Against: Leventhal, Wenell, Surdi, Dolph, Michajlenko, Brown.

1 Abstain: Weiselberg

(note: several board members had to leave prior to formal adornment due to the length of the meeting. The aforementioned vote roll call constituted all members of the board then present.)

I. NEW BUSINESS – Information Items:

2. City of San Diego Capital Improvements Program, Reyhaneh Martin, Project Manager Presenting.

Below are the links to the project information:

Water Portion Project B-13186: <http://cipapp.sandiego.gov/cipdistrictnav.aspx>

Sewer Portion Project B-14069: <http://cipapp.sandiego.gov/cipdistrictnav.aspx>

Due to the length of the meeting the chair apologized to the presenters and requested if the capital improvement project item could be rescheduled for the April meeting. The presenters agreed.

J. OLD BUSINESS:

Due to the length of the meeting all subcommittee reports were tabled until the April regular meeting:

- K. ADJOURNMENT** – There being no further business to be brought before the Planning Group, the meeting was adjourned at 2:23 P.M. The next regular meeting will be on Wednesday, April 5, 2017 at 12:00 p.m. at the Mission Valley Library, Community Room.

Jim Penner
MVPG Secretary

**DESIGN ADVISORY BOARD
Mission Valley Planning Group**

March 1, 2017

TO: Dottie Surdi, MVRPG Chair

FROM: Randy Dolph, DAB Chair

SUBJECT: Report of February 27, 2017 DAB Meeting

The meeting was called to order at 3:30 P.M. in the Mission Valley Library. Members present were: Paul Brown, Randy Dolph, Steve Kiss, Jerry Shonkwiler, and Dottie Surdi. Applicant representatives from the Town and Country Project include Todd Majcher, Mike McNerney, Gary Wood, and Jenny An.

Town and Country Project – Action Item

Todd Majcher provided an overview of the Town and Country project. Highlights included:

- Lowe Enterprises history, including past projects.
- Review of the Town and Country timeline.
- No Army Corps permits are required.
- No historical designations required.
- The overall scope of the development was reviewed, including:
 - 700-key hotel with a resort pool experience.
 - 170,000 sq. ft. convention center.
 - 800-unit compact residential infill. Parcels may be sold to residential developers, but with oversight by Lowe.
 - 7 acres of habitat restoration.
 - 3.31 acre on-site public park (lies within the floodway).
 - 1,200 feet of trails/river path.
 - No additional vehicle trips and reduction from the currently approved Atlas Specific Plan.
 - Design guidelines.
- The next series of discretionary actions include planning commission hearing in April 2017 and City Council hearing in May 2017.

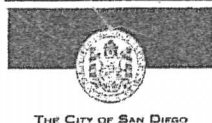
Questions, comments, and concerns included:

- When asked if a noise study had been conducted along I-8 for the residential units, the applicant noted it had.
- With regard to phasing, the applicant noted that Phase 1 included the public park, improvements to Hotel Circle North, hotel improvements, and residential parcels 1 and 2. Phase 2 included residential parcels 3 and 4. The DAB requested the applicant carefully consider the visual aspects of the project subsequent to the completion of Phase 1 but prior to Phase 2.
- The DAB inquired if the internal streets would be public or private. The applicant responded that easements would be granted to the City for the public streets, while the developer remains responsible for maintenance within these easements. The DAB also reviewed two types of roadway/sidewalk intersections and related issues.

- Several DAB members expressed concerns regarding visibility of equipment (i.e. roof-top mechanical equipment, a/c units, gas meters, utility boxes, dryer/kitchen vents). The applicant noted the intent is to conceal these items as much as possible. The DAB requested that the applicant incorporate the applicable municipal code language (San Diego Municipal Code 142.0901-0910) into the masterplan document.
- The DAB also expressed potential concerns with the appearance of parking structures. Such concerns include screening cars/headlights from public/guest view, providing a finished appearance on the exterior elevation, minimizing light trespass from the interior of the parking structure, and treatment of the top floor of the parking structure. Likewise, the DAB recommended the applicant incorporate the applicable municipal code language (San Diego Municipal Code 142.0560(k) into the masterplan document.
- Since specific design of the residential parcels will occur separately from the masterplan document, the DAB inquired if the applicant would be willing to return to the DAB and MVPG for any substantial conformance reviews (SCRs). The applicant was open to doing so, provided that the SCR presentations were for information only.
- The applicant described the overall concept of the bridge.
- When asked about development along the eastern edge of the property, the applicant noted that a north-south bike lane will be provided along this side.
- The connection to River Walk Way was discussed.

Since the project was before the DAB as an action item, Shonkwiler motioned to recommend the project to the planning group, contingent upon the following: (1) parking structures are designed in accordance with SDMC regulations, (2) equipment is screened from public/guest view also in accordance with SDMC regulations, (3) any future SCR's are brought back to the DAB/MVPG as informational items, and (4) the applicant address any outstanding City and EIR comments. The motion was seconded by Surdi. The motion was passed 5-0-0.

The meeting was adjourned at 5:05 P.M., with the next regularly meeting tentatively scheduled for Monday, April 3, 2017.



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

Ownership Disclosure Statement

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

Project Title

Project No. For City Use Only

TOWN AND COUNTRY

424475

Project Address:

500 Hotel Circle North, San Diego, CA 92108

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

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Street Address:

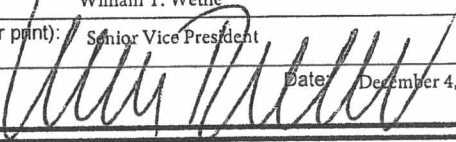
City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title:	Project No. (For City Use Only) <div style="font-size: 1.2em; font-weight: bold;">424475</div>
Part II - To be completed when property is held by a corporation or partnership	
Legal Status (please check):	
<input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability -or- <input type="checkbox"/> General) What State? _____ Corporate Identification No. _____	
<input type="checkbox"/> Partnership	
<small>By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</small>	
<div>Corporate/Partnership Name (type or print): See Attached</div> <div><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div>Street Address: HOTEL CIRCLE PROPERTY, LLC, a Delaware limited liability company</div> <div>City/State/Zip: By: Hotel Circle Venture, LLC, its sole member</div> <div>Phone No: By: San Diego Circle, LLC Fax No: its managing member</div> <div>Name of Corporate Officer/Partner (type or print): William T. Wethe</div> <div>Title (type or print): Senior Vice President</div> <div>Signature :  Date: December 4, 2014</div>	<div>Corporate/Partnership Name (type or print):</div> <div><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div>Street Address:</div> <div>City/State/Zip:</div> <div>Phone No: Fax No:</div> <div>Name of Corporate Officer/Partner (type or print):</div> <div>Title (type or print):</div> <div>Signature : Date:</div>
<div>Corporate/Partnership Name (type or print):</div> <div><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div>Street Address:</div> <div>City/State/Zip:</div> <div>Phone No: Fax No:</div> <div>Name of Corporate Officer/Partner (type or print):</div> <div>Title (type or print):</div> <div>Signature : Date:</div>	<div>Corporate/Partnership Name (type or print):</div> <div><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div>Street Address:</div> <div>City/State/Zip:</div> <div>Phone No: Fax No:</div> <div>Name of Corporate Officer/Partner (type or print):</div> <div>Title (type or print):</div> <div>Signature : Date:</div>
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Thomas P. Luersen
Executive Vice President
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
Telephone: 310.820.6661
Fax: (310) 207-1132

Vicki P. Tuchman
Secretary
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
Telephone: 310.820.6661
Fax: (310) 207-1132

The members of San Diego Circle, LLC are San Diego TC Investor, LLC (managing member) and AECOM SDTC LLC.

San Diego TC Investor, LLC
a Delaware limited liability company
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
(Note: This is ultimately controlled by Lowe Enterprises, Inc. Details at www.loweenterprises.com)

AECOM SDTC, LLC
a Delaware limited liability company
555 South Flower Street, 37th Floor
Los Angeles, California 90071

HOTEL CIRCLE PROPERTY, LLC,
a Delaware limited liability company
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
Sole member is:

Hotel Circle Venture, LLC,
a Delaware limited liability company
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
The members are San Diego Circle, LLC (managing member) and Town and Country Hotel, LLC

San Diego Circle, LLC,
a Delaware limited liability company
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049

Town and Country Hotel, LLC
a Delaware limited liability company
500 Hotel Circle North
San Diego, CA 92018
(Note: This entity is controlled by Atlas Hotels, Inc. (Terry Brown))

The officers of San Diego Circle, LLC are:

Robert Lowe, Jr.
Co-President
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
Telephone: 310.820.6661
Fax: (310) 207-1132

William T. Wethe
Senior Vice President and
Chief Financial Officer
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Michael H. Lowe
Co-President
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Telephone: 310.820.6661
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Christopher Currie
Vice President
11777 San Vicente Boulevard
Suite 900
Los Angeles, CA 90049
Telephone: 310.820.6661
Fax: (310) 207-1132

TOWN AND COUNTRY-PROJECT NO. 424475 MASTER PLAN

Due to the size of the Master Plan document.

The following link is to the Environmental Impact Report, which contains the strike out and underlined version of the Master Plan that has been made part of the Appendices.

[Environmental Impact Report \(EIR\) No. 424475/SCH No. 2015121066](#)

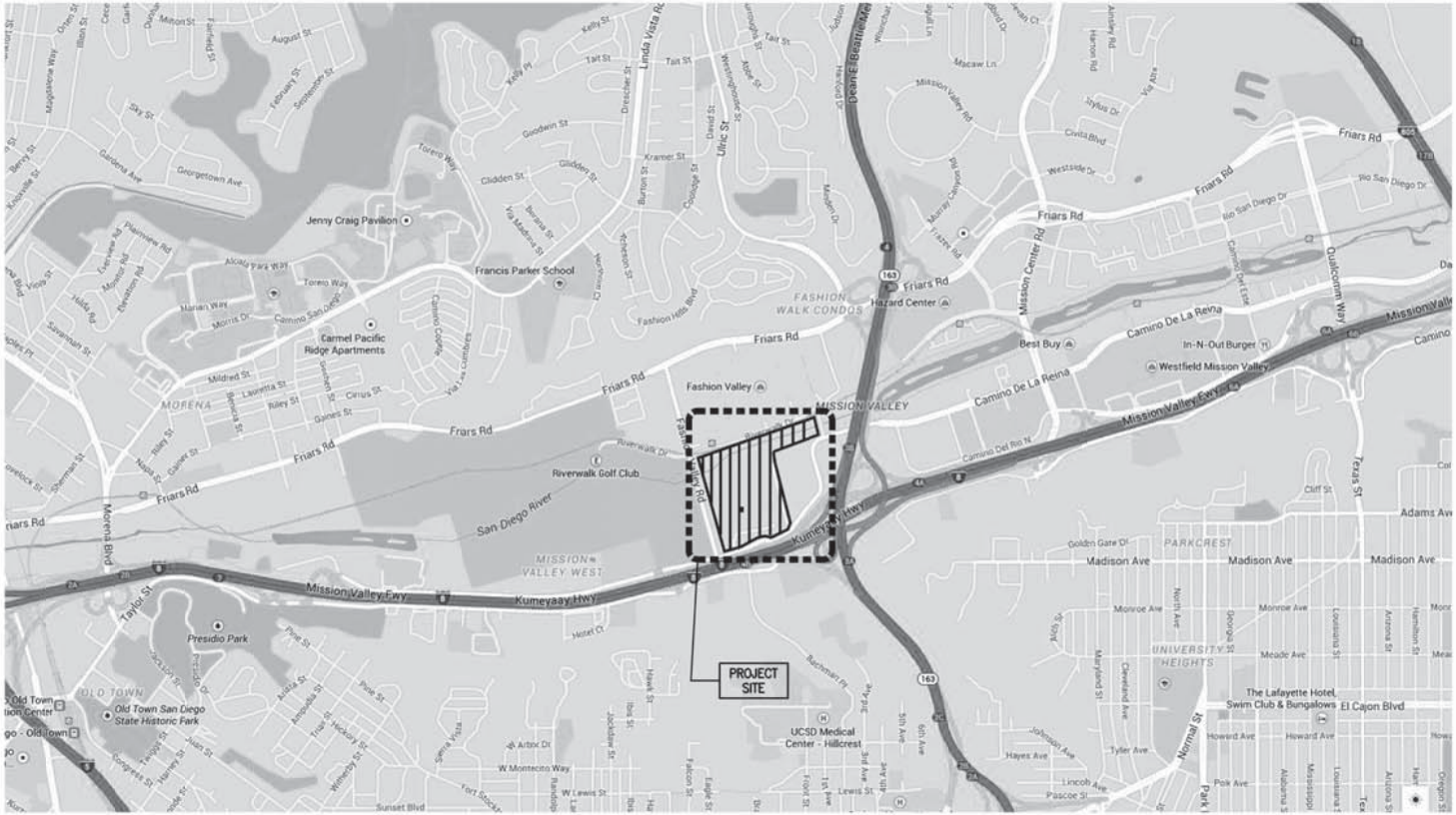
The following link is to the Planning Commission website, which contains the clean version of the Master Plan.

**[Reports to the Planning Commission
Report No. PC-17-032-Master Plan](#)**

**[Hard Copies of the clean version will to be provided to the
Planning Commission and City Council]**







VICINITY MAP

TOWN & COUNTRY RESORT

500 Hotel Circle North San Diego, CA 92108
DEVELOPMENT PLAN PACKAGE - MARCH 2017



AECOM

SHEET 1 OF 40
CITY OF SAN DIEGO PROJECT No. 424475

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EXISTING STRUCTURES

Buildg Key #	Buildings	Floors	Area - SF	Const YR	(E)Use	(E)Occupancy
1	Guestroom Bldg	One Floor	4,190	1953	Hotel	R-2
2	3100 Building	One Floor	18,015	1955	Hotel	R-2
3	3200 Building	Two Floors	19,413	1956	Hotel	R-2
4	3400 Building	Two Floors	7,600	1956	Hotel	R-2
5	3500 Building	Two Floors	25,977	1959	Hotel	R-2
6	3600 Building	Two Floors	32,460	1968	Hotel	R-2
7	3700 Building	Two Floors	25,200	1968	Hotel	R-2
8	Royal Palm Towers	Ten Floors	216,973	1969	Hotel	R-2
9	Regency Tower	Eight Floors	98,545	1969	Hotel	R-2
	TOTAL		448,373			

10	Hotel Guest Services	One Floor	274	Unknown	Visitor Center	A-3
11	Visitor Information Center	One Floor	300	1955	Storage	S-1
12	Bell Services	One Floor	585	Unknown	Retail	B
13	Car Rental	One Floor	743	1969	Retail	M
14	Lanai Gift Shop	One Floor	460	1953	Lobby/Office	A-3/B
15	Lobby Gift Shop	One Floor	14,298	1969	Spa	B
16	Day Spa & Salon	One Floor	1,031	1953	Office	B
17	Office	One Floor	26,597			

18	Hotel Support Areas	One Floor	6,749	1979	Laundry	F-1
19	Laundry	One Floor	3,456	1979	Storage	S-1
20	Gardening / Storage	Two Floors	5,884	1979	Office	B
21	Engineering	Two Floors	1,348	1965	Storage	S-1
22	Timekeeping / Storage	Two Floors	1,348	1965	Housekeeping	F-1
23	Housekeeping / Storage	Two Floors	1,240	1969	Maintenance	F-1
24	Maintenance / Storage	One Floor	2,189	2005	Storage	S-1
25	Convention Storage	One Floor	350	2006	Storage	S-1
26	Receiving Building	One Floor	1,018	Unknown	Storage	S-1
27	Paint Shop	One Floor	23,373			

28	Convention Facilities	Two Floors	83,054	1970	Ballroom	A-3
29	Atlas Ballroom	One Floor	40,361	1975	Ballroom	A-3
30	Golden Pacific Ballroom	One Floor	9,250	1953	Meeting	A-3
31	Meeting House Conf. Center	One Floor	4,382	1970	Conference	A-3
32	Royal Palm Ballroom	One Floor	6,982	1967	Conference	A-3
33	Regency Ballroom	2nd Floor	6,472	1967	Ballroom	A-3
34	Garden Ballroom	One Floor	2,404	1967	Ballroom	A-3
35	Asist. Bldg., Clerical, Gen. & Partel	Ninth Floor	3,752	1969	Exhibition Hall	A-3
36	Le Chanticleer/Regency TWR	Ninth Floor	577	1969	Exhibition Hall	A-3
37	Le Sommet/Regency TWR	Ninth Floor	1,928	1969	Exhibition Hall	A-3
38	Windsor Rose/Regency TWR	One Floor	49,340	2007	Exhibition Hall	A-3
39	Grand Exhibit Hall	One Floor	360	1953	Meeting	A-3
40	Lexington Rooms	One Floor	1,200	1953	Meeting	A-3
41	Dover / Stratford	One Floor	2,700	Unknown	Meeting	A-2
42	Tiki Pavilion	One Floor	212,762			

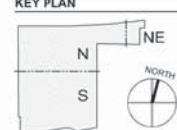
43	Food & Beverage	One Floor	4,608	1967	Restaurant	A-2
44	Kelly's Restaurant	One Floor	11,038	1953	Restaurant	A-2
45	Trellises Garden Grill	One Floor	5,000	1969	Restaurant	A-2
46	Terrace Cafe	First Floor	3,000	1967	Restaurant	A-2
47	Charles	First Floor	1,431	1967	Restaurant	A-2
48	Cafe Potpourri	One Floor	575	1969	Restaurant	A-2
49	Sunshine Deli	One Floor	25,652			

50	Parking Garage	Basement	109,000	1970	Parking	S-2
51	Convention Parking	Three Floors	63,500	1969	Parking	S-2
52	Tri-level Parking	One Floor	172,500			

TOTAL 909,257

GENERAL NOTES:

- GROSS FLOOR AREA IS USED FOR THIS CALCULATION.
- BUILDING FOOT PRINT SHOWN IN RESIDENTIAL PARCEL 1, 2, 3 & 4 IS FOR ILLUSTRATIVE PURPOSES ONLY.



SHEET NUMBER 2 OF 40

G-01

SHEET TITLE
DEVELOPMENT SUMMARY

March 2017	DPP SUBMITTAL
Nov 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
3-24-15	MIR SUBMITTAL

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DEVELOPMENT SUMMARY:

CONVERT EXISTING HOTEL PROPERTY INTO MIXED-USE, TRANSIT-ORIENTED DEVELOPMENT WITH RESIDENTIAL UNITS, AN IMPROVED AND UPGRADED HOTEL WITH NEW AMENITIES, A NEW PUBLIC PARK, AND SIGNIFICANT RESTORATION OF THE SAN DIEGO RIVER.

EXISTING DEVELOPMENT:

HOTEL	954 ROOMS
CONFERENCE	212,762 SF

PROPOSED DEVELOPMENT:

HOTEL	700 ROOMS
CONFERENCE	177,137 SF
RESIDENTIAL	840 DUS
PUBLIC PARK	3.31 ACRES

SCOPE OF WORK:

- PHASE 1:**
- RENOVATE HOTEL BUILDINGS TO REMAIN
 - DEMOLISH BUILDINGS TO BE REMOVED

1	3100 BLDG	34	REGENCY CONFERENCE CENTER
2	3200 BLDG	35	GARDEN BALLROOM
3	3300 BLDG	36	ASCOT, BRITANNY, CLARENDON
4	3500 MIDDLE STRUCTURE	37	EATON & FAIRFIELD
5	3600 BLDG	38	LE CHANTICLEER/REGENCY TWR
6	3700 BLDG	39	LE SOMMET/REGENCY TWR
7	VISITOR INFORMATION CENTER	40	WINDSOR ROSE/REGENCY TWR
8	BELL SERVICES	41	LEXINGTON
9	CAR RENTAL	42	DOVER / STRATFORD
10	LANAI GIFT SHOP	43	TIKI PAVILION
11	LOBBY / OFFICES	44	KELLY'S RESTAURANT
12	LOBBY GIFT SHOP	45	TRELLISES RESTAURANT
13	DAY SPA & SALON	46	TERRACE CAFE
14	OFFICE	47	CHARLES
15	RECEIVING BLDG	48	CAFE POTPOURRI
16	PAINT SHOP	49	SUNSHINE DELI
17	MEETING HOUSE	50	PARKING STRUCTURE

- NEW CONSTRUCTION**
- A NEW LOBBY
 - B&C NEW RESTAURANT & NEW CAFE
 - D NEW PARKING STRUCTURE
 - NEW POOL
 - LANDSCAPE AND SITE RIVER RESTORATION

- HABITAT IMPLEMENTATION (INCLUDING SDP)**
- PUBLIC PARK AND RIVER PATHWAY
 - SITE PREPARATION RESIDENTIAL PARCEL 1 AND 2
 - CONSTRUCTION RESIDENTIAL PARCEL 1 AND 2
 - SITE PREPARATION RESIDENTIAL PARCEL 3 AND 4

- PHASE 2:**
- CONSTRUCTION RESIDENTIAL PARCEL 3 AND 4

LEGAL DESCRIPTION

THE BOUNDARY OF THOSE PORTIONS OF LOT 4 OF PARTITION OF PUEBLO LOT 1105 REFERRED TO AS MAP NO. 1029, TOGETHER WITH THAT PORTION OF LOT 2 MAP 3750, TOGETHER WITH LOT 1 MAP 6274, TOGETHER WITH LOTS 1 AND 2 MAP 3671, DESCRIBED IN DEED RECORDED JUNE 1, 2014 AS DOCUMENT NO. 2014-0226692, OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

OWNER

HOTEL CIRCLE PROPERTY, LLC
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

ZONING DESIGNATION

EXISTING ZONING MUPD - RM - M / SP

PROPOSED ZONING MUPD - RM - M / OF-1-1

GEOLOGIC HAZARD

HAZARD CATEGORY 31

SITE AREAS

GROSS SITE AREA	19.72 ACRES
EXISTING	19.72 ACRES
PROPOSED	

GROSS FLOOR AREA	159,257 SF
EXISTING	100,372 SF
PROPOSED	

GROSS FLOOR AREA RATIO	1.53
EXISTING	1.16
PROPOSED	

LANDSCAPE AREA	14.5 ACRES
(for water conservation purposes)	

OCCUPANCY CLASSIFICATION

(PER CALIFORNIA BUILDING CODE 2013)

HOTEL	GROUP R-1
RESTAURANT	GROUP A-2
CONFERENCE	GROUP A-3
SUPPORT BLDGS 20-28	GROUP F-1
MULTIFAMILY RESIDENTIAL	GROUP R-2
OFFICE	GROUP B
PARKING BLDG	GROUP S-2

RESIDENTIAL NOTES:

- COST OF CONSTRUCTION IS PRIVATELY FUNDED.
- THE MAXIMUM LENGTH OF STAY IS MORE THAN 30 DAYS.

REQUIRED PERMITS AND DISCRETIONARY ACTIONS

- LAND USE PLAN AMENDMENT TO AMEND ATLAS SPECIFIC PLAN TO REMOVE PROJECT SITE
- GENERAL PLAN AMENDMENT AND MISSION VALLEY COMMUNITY PLAN AMENDMENT TO REMOVE THE PROJECT SITE FROM THE ATLAS SPECIFIC PLAN AND UPDATE THE MISSION VALLEY COMMUNITY PLAN
- MASTER PLANNED DEVELOPMENT PERMIT FOR THE ADOPTION OF THE MASTER PLAN (PERMIT NO. 148994)
- A REZONE FROM MUPD MULTIPLE USE ZONING SPECIFIC PLAN (MUPD) TO MUPD MULTIPLE USE ZONE 1 (MUPD)
- SOP TO AMEND SOP NO. 40062 PROJECT NO. 118316 AND FOR DEVELOPMENT ON A SITE WITH ESEA (SOP NO. 140554)
- SOP FOR THE PROJECT DEVIATION FROM THE MISSION VALLEY PLANNED DISTRICT ORDINANCE AND ZONING AND DEVELOPMENT DEVIATIONS FROM THE MUNICIPAL CODE (SOP NO. 148994)
- CONDITIONAL USE PERMIT (CUP) TO AMEND AND SUPERCEDE CUP 88-0886 (CONVENTION CENTER AND EXHIBIT HALL)
- VESTING TENTATIVE MAP TO CREATE THE NEW LEGAL LOTS AND IDENTIFY INFRASTRUCTURE NEEDS FOR THE PROJECT (VTL NO. 1401943)
- EASEMENT VACATIONS TO VACATE SEVERAL EASEMENTS AS IDENTIFIED ON THE VESTING TENTATIVE MAP (EASEMENT VACATION NO. 148994S)
- SOP FOR A REZONE AND LAND USE PLAN AMENDMENT WITHIN THE AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE
- TENTATIVE MAP PERMIT NO. 148994A, PTD NO. 424475

CONSULTANTS

ENVIRONMENT

PLANNER

CLIENT

PROJECT

KEY PLAN

SHEET NUMBER 2 OF 40

TCA Architects
ARCHITECT
801 S. Grand Ave., Suite 1020
Los Angeles, CA 90017
213.553.1100 fax
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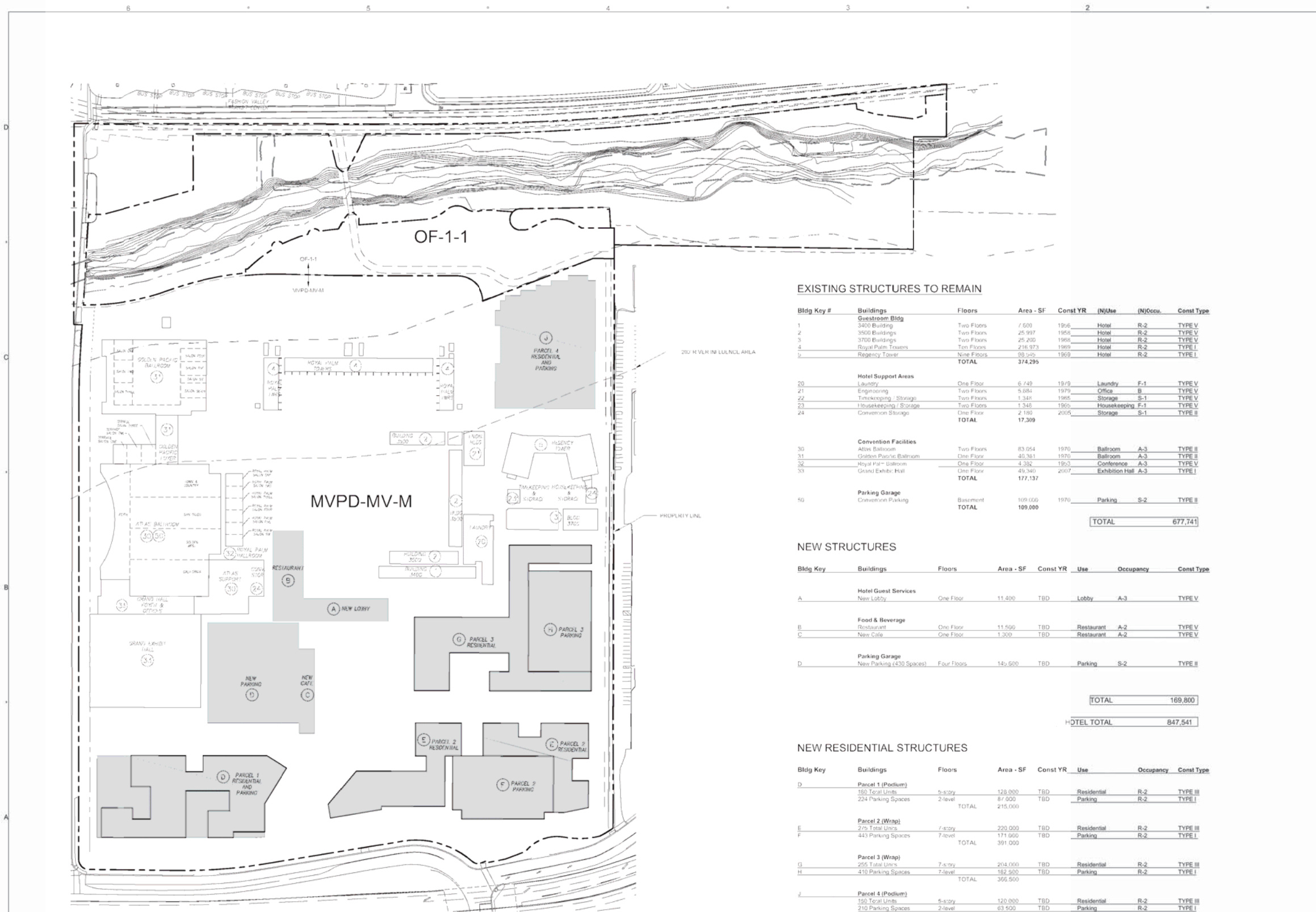
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Hotel Circle Property, LLC
500 Hotel Circle North
San Diego, CA 92108

Town & Country
500 Hotel Circle North
San Diego, CA 92108

SHEET TITLE
DEVELOPMENT SUMMARY



EXISTING STRUCTURES TO REMAIN

Bldg Key #	Buildings	Floors	Area - SF	Const YR	(N)Use	(N)Occu.	Const Type
1	Guestroom Bldg	Two Floors	7,500	1906	Hotel	R-2	TYPE V
2	3400 Building	Two Floors	25,997	1964	Hotel	R-2	TYPE V
3	3700 Building	Two Floors	25,200	1969	Hotel	R-2	TYPE V
4	Royal Palm Towers	Ten Floors	218,973	1969	Hotel	R-2	TYPE I
5	Regency Tower	Nine Floors	98,945	1969	Hotel	R-2	TYPE I
TOTAL			374,295				
Hotel Support Areas							
20	Laundry	One Floor	6,749	1979	Laundry	F-1	TYPE V
21	Engineering	Two Floors	5,684	1979	Office	B	TYPE V
22	Housekeeping / Storage	Two Floors	1,348	1965	Storage	S-1	TYPE V
23	Housekeeping / Storage	Two Floors	1,348	1965	Housekeeping	F-1	TYPE V
24	Convention Storage	One Floor	2,190	2005	Storage	S-1	TYPE II
TOTAL			17,309				
Convention Facilities							
30	Altois Ballroom	Two Floors	83,054	1970	Ballroom	A-3	TYPE II
31	Golden Pavilion Ballroom	One Floor	40,381	1970	Ballroom	A-3	TYPE II
32	Royal Palm Ballroom	One Floor	4,392	1963	Conference	A-3	TYPE V
33	Grand Exhibit Hall	One Floor	49,340	2007	Exhibition Hall	A-3	TYPE I
TOTAL			177,137				
Parking Garage							
50	Convention Parking	Basement	109,000	1970	Parking	S-2	TYPE II
TOTAL			109,000				
TOTAL			677,741				

NEW STRUCTURES

Bldg Key	Buildings	Floors	Area - SF	Const YR	Use	Occupancy	Const Type
A	Hotel Guest Services	One Floor	11,400	TBD	Lobby	A-3	TYPE V
B	Food & Beverage	One Floor	11,590	TBD	Restaurant	A-2	TYPE V
C	New Cafe	One Floor	1,300	TBD	Restaurant	A-2	TYPE V
TOTAL			169,800				
HOTEL TOTAL			847,541				

NEW RESIDENTIAL STRUCTURES

Bldg Key	Buildings	Floors	Area - SF	Const YR	Use	Occupancy	Const Type
D	Parcel 1 (Podium)	5-story	128,000	TBD	Residential	R-2	TYPE III
	150 Total Units	2-level	87,000	TBD	Parking	R-2	TYPE I
	224 Parking Spaces	TOTAL	215,000				
E	Parcel 2 (Wrap)	7-story	220,000	TBD	Residential	R-2	TYPE III
	275 Total Units	7-level	171,000	TBD	Parking	R-2	TYPE I
	443 Parking Spaces	TOTAL	391,000				
G	Parcel 3 (Wrap)	7-story	204,000	TBD	Residential	R-2	TYPE III
	255 Total Units	7-level	182,500	TBD	Parking	R-2	TYPE I
	410 Parking Spaces	TOTAL	386,500				
I	Parcel 4 (Podium)	5-story	120,000	TBD	Residential	R-2	TYPE III
	150 Total Units	2-level	83,500	TBD	Parking	R-2	TYPE I
	210 Parking Spaces	TOTAL	183,500				
TOTAL			1,156,181				

DEVELOPMENT TOTAL 2,003,722

LEGEND



GENERAL NOTES:

- 1. GROSS FLOOR AREA IS USED FOR THIS CALCULATION.
- 2. BUILDING FOOT PRINT SHOWN IN RESIDENTIAL PARCEL 1, 2, 3 & 4 IS FOR ILLUSTRATION PURPOSES ONLY.
- 3. REFERENCE SHEET DP-125 FOR DETAILED PARKING REQUIREMENTS AND PROPOSED PARKING PLAN.

LEGAL DESCRIPTION

THE BOUNDARY OF THESE PORTIONS OF LOT 4 OF PARTITION OF PUEBLO LOT 11025 REFERENCE'S MAP NO. 1029, TOGETHER WITH THAT PORTION OF LOT 2 MAP 3755, TOGETHER WITH LOT 1 MAP 6274, TOGETHER WITH LOTS 1 AND 2 MAP 5671, DESCRIBED IN DEED RECORDED JUNE 3, 2014 AS DOCUMENT NO. 2014-0256692, OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

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SHEET NUMBER 3 OF 40
G-02
SHEET TITLE
PROPOSED
DEVELOPMENT SUMMARY

March 2017 DPP SUBMITTAL
Nov 2016 DPP SUBMITTAL

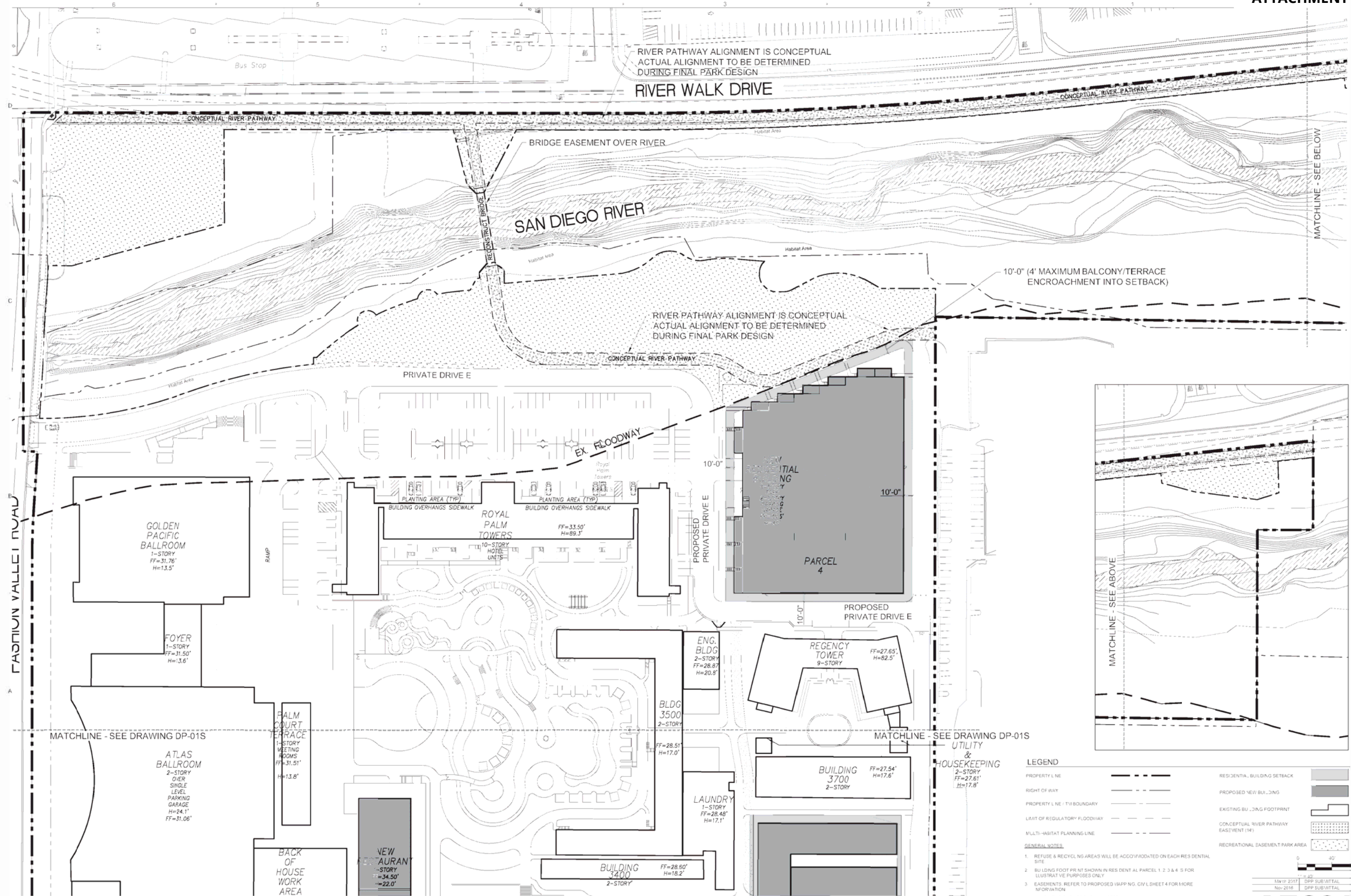
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PROJECT NUMBER 60329917

ISSUE CITY PROJECT No. 424475

Aug 2016 DPP SUBMITTAL
July 2016 DPP SUBMITTAL
May 2016 DPP SUBMITTAL
Jan 2016 MIR RESUBMITTAL
Sept 2015 MIR RESUBMITTAL
3.24.15 MIR SUBMITTAL

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LEGEND

PROPERTY LINE	---	RESIDENTIAL BUILDING SETBACK	---
RIGHT OF WAY	---	PROPOSED NEW BUILDING	---
PROPERTY LINE / TV BOUNDARY	---	EXISTING BUILDING FOOTPRINT	---
LIMIT OF REGULATORY FLOODWAY	---	CONCEPTUAL RIVER PATHWAY EASEMENT (54')	---
MULTI-HABITAT PLANNING LINE	---	RECREATIONAL EASEMENT PARK AREA	---

GENERAL NOTES

1. REFUSE & RECYCLING AREAS WILL BE ACCOMMODATED ON EACH RESIDENTIAL SITE.
2. BUILDING FOOTPRINT SHOWN IN RESIDENTIAL PARCELS 1, 2, 3 & 4 IS FOR ILLUSTRATIVE PURPOSES ONLY.
3. EASEMENTS: REFER TO PROPOSED MAP PG. CIVIL SHEET 4 FOR MORE INFORMATION.
4. ALL DIMENSIONS ARE SHOWN IN FEET.
5. SEE SHEET 34 FOR METES AND BOUNDS.

KEY PLAN

SHEET NUMBER 4 OF 40

DP-01N

SHEET TITLE SITE PLAN Proposed Site Plan - North

PROJECT NUMBER 60329917

ISSUE CITY PROJECT No. 424475

Aug 2015	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan 2016	UIR RESUBMITTAL
Sept 2015	UIR RESUBMITTAL
3-27-15	UIR SUBMITTAL

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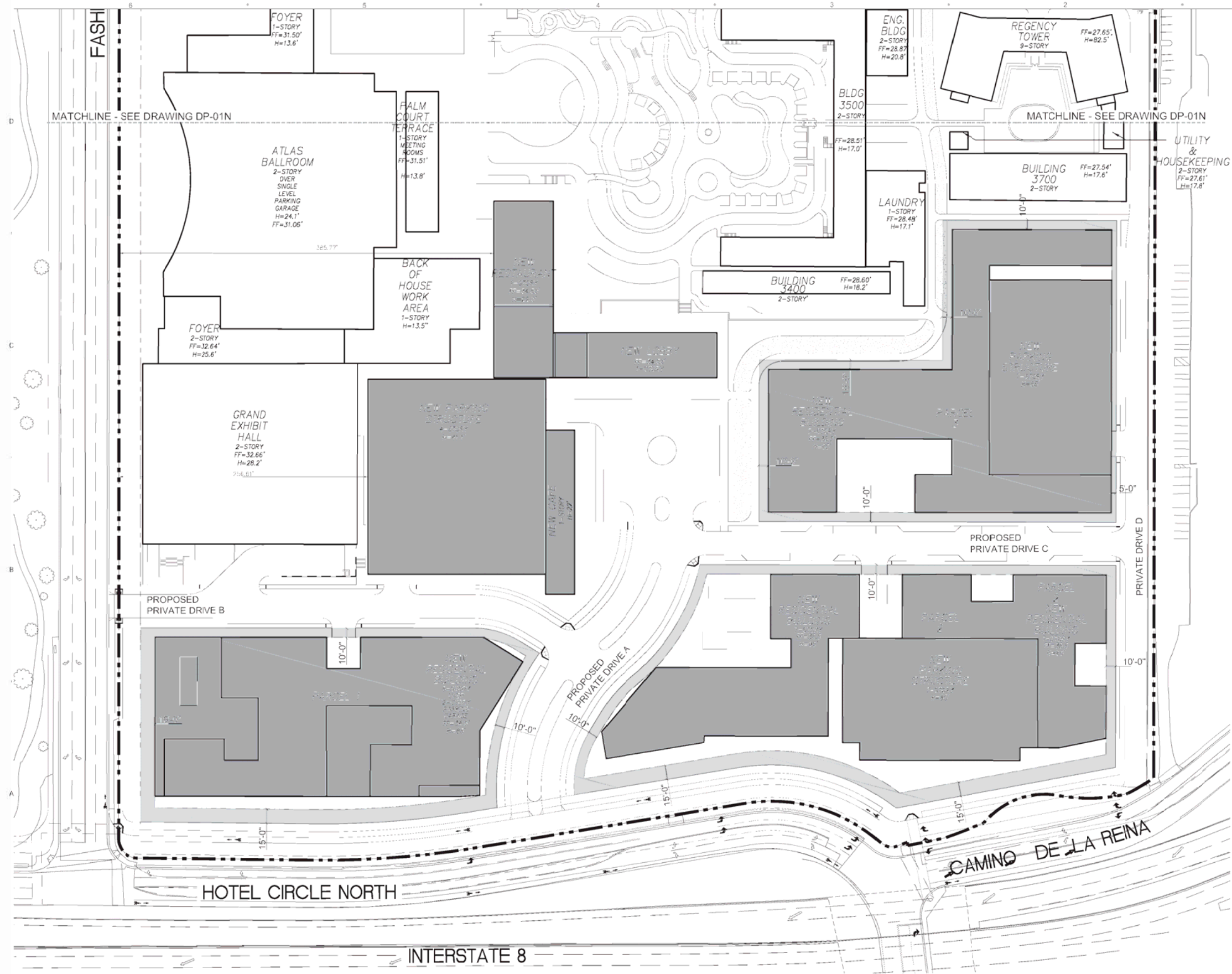
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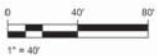


LEGEND

- PROPERTY LINE
- RIGHT OF WAY
- PROPERTY LINE / TM BOUNDARY
- LIMIT OF REGULATORY FLOODWAY
- SETBACK LINE
- RESIDENTIAL BUILDING SETBACK
- PROPOSED NEW BUILDING
- EXISTING BUILDING FOOTPRINT

GENERAL NOTES:

- REFUSE & RECYCLING AREAS WILL BE ACCOMMODATED ON EACH RESIDENTIAL SITE.
- BUILDING FOOTPRINT SHOWN IN RESIDENTIAL PARCEL 1, 2, 3 & 4 IS FOR ILLUSTRATIVE PURPOSES ONLY.
- EASEMENTS, REFER TO PROPOSED MAPPING SHEET 34 FOR MORE INFORMATION.
- ALL DIMENSIONS ARE SHOWN IN FEET.
- SEE SHEET 34 FOR METES AND BOUNDS.



SHEET NUMBER 5 OF 40

DP-01S

SHEET TITLE
SITE PLAN
Proposed Site Plan - South

March 2017	DPP SUBMITTAL
Nov. 2016	DPP SUBMITTAL
AECOM	
PROJECT NUMBER 60329917	
ISSUE CITY PROJECT No. 424475	
Aug. 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan. 2016	MIR RESUBMITTAL
Sept. 2015	MIR RESUBMITTAL
3.24.15	MIR SUBMITTAL

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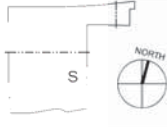
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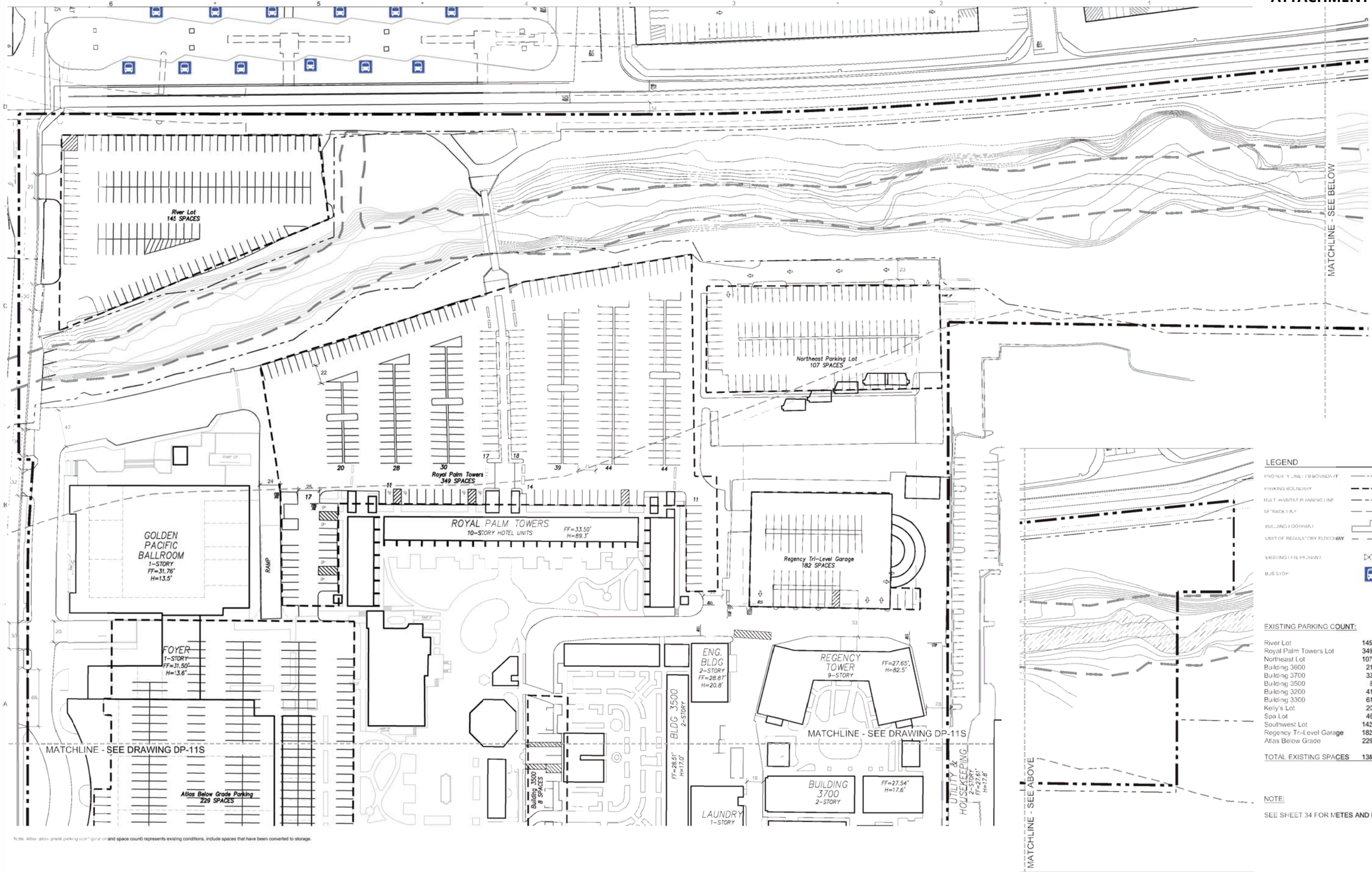
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PROJECT
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KEY PLAN





LEGEND

PROPERTY LINE / BOUNDARY	---
PARKING BOUNDARY	- - -
MULTI-HABITAT PLANNING LINE	- · - · -
SE-TRAIL	---
BUILDING FOOTPRINT	---
LIMIT OF REGULATORY FLOODWAY	---
EXISTING FLOODWAY	---
BUS STOP	---

EXISTING PARKING COUNT:

	H	C
River Lot	145	0
Royal Palm Towers Lot	349	10
Northeast Lot	107	0
Building 3600	21	0
Building 3700	32	2
Building 3500	8	4
Building 3200	41	4
Building 3300	61	0
Kelly's Lot	20	3
Spa Lot	46	2
Southwest Lot	142	4
Regency Tri-Level Garage	182	2
Atlas Below Grade	229	0
TOTAL EXISTING SPACES	1383	31

NOTE:
SEE SHEET 34 FOR METES AND BOUNDS.

Note: Atlas below grade parking (car count and space count) represents existing conditions, include spaces that have been converted to storage.

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KEY PLAN

SHEET NUMBER 6 OF 40

DP-11N

SHEET TITLE
STREET + PARKING PLAN
Existing Site plan - North

Map 2017 DPP SUBMITTAL
Nov 2016 DPP SUBMITTAL

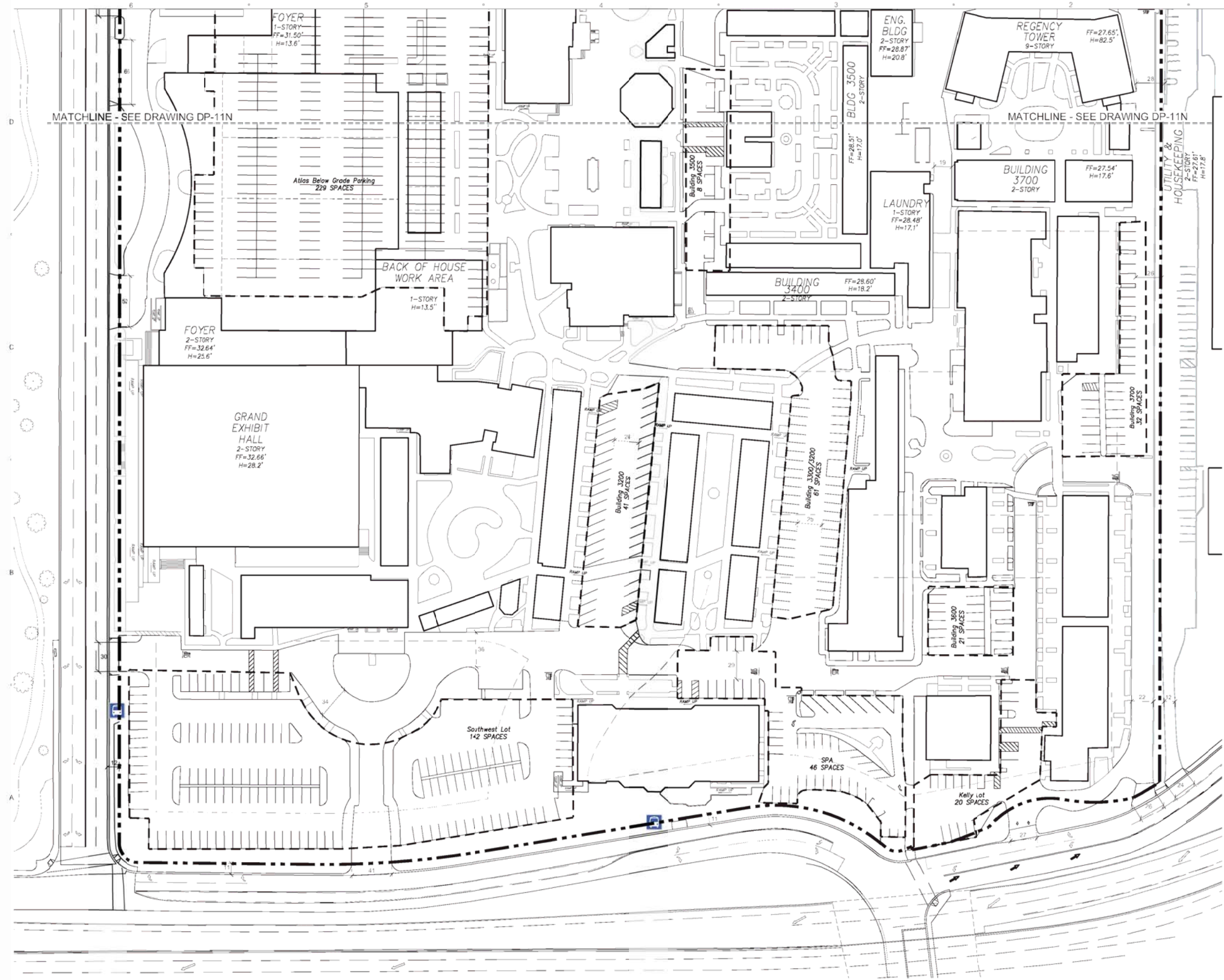
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PROJECT NUMBER 60329917

ISSUE CITY PROJECT No. 424475

Aug 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan 2016	U/R RESUBMITTAL
Dec 2015	U/R RESUBMITTAL
3-27-15	U/R SUBMITTAL

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LEGEND

- PROPERTY LINE / TM BOUNDARY
- PARKING BOUNDARY
- SETBACK LINE
- BUILDING FOOTPRINT
- EXISTING FIRE HYDRANT
- BUS STOP

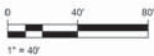
EXISTING PARKING COUNT:

		H/C
River Lot	145	0
Royal Palm Towers Lot	349	10
Northeast Lot	107	0
Building 3600	21	0
Building 3700	32	2
Building 3500	8	4
Building 3200	41	4
Building 3300	61	0
Kelly's Lot	20	3
Spa Lot	46	2
Southwest Lot	142	4
Regency Tri-Level Garage	182	2
Atlas Below Grade	229	0

TOTAL EXISTING SPACES 1383 31

NOTE:

SEE SHEET 34 FOR METES AND BOUNDS.



SHEET NUMBER 7 OF 40

DP-11S

STREET + PARKING PLAN
Existing Site plan - South

March 2017	DPP SUBMITTAL
Nov 2016	DPP SUBMITTAL
AECOM	
PROJECT NUMBER 60329917	
ISSUE	CITY PROJECT No. 424475
Aug 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
3.24.15	MIR SUBMITTAL

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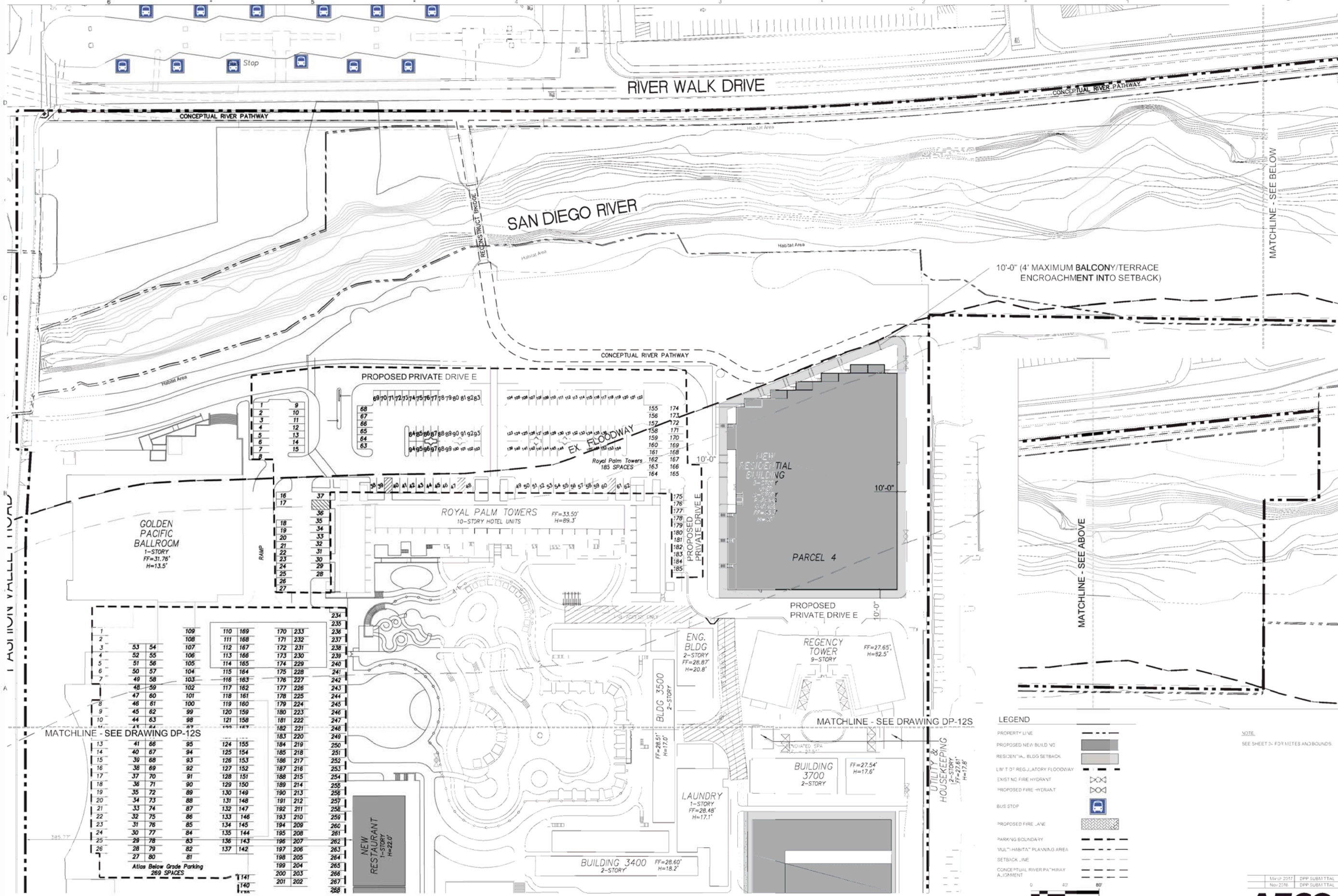
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San Diego, CA 92108

PROJECT

Town & Country
500 Hotel Circle North
San Diego, CA 92108

KEY PLAN





LEGEND

- PROPERTY LINE
- PROPOSED NEW BUILDING
- RESIDENTIAL BLDG SETBACK
- 10' 0" REGULATORY FLOODWAY
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- BUS STOP
- PROPOSED FIRE LANE
- PARKING BOUNDARY
- MULTI-HABITAT PLANNING AREA
- SETBACK LINE
- CONCEPTUAL RIVER PATHWAY ALIGNMENT

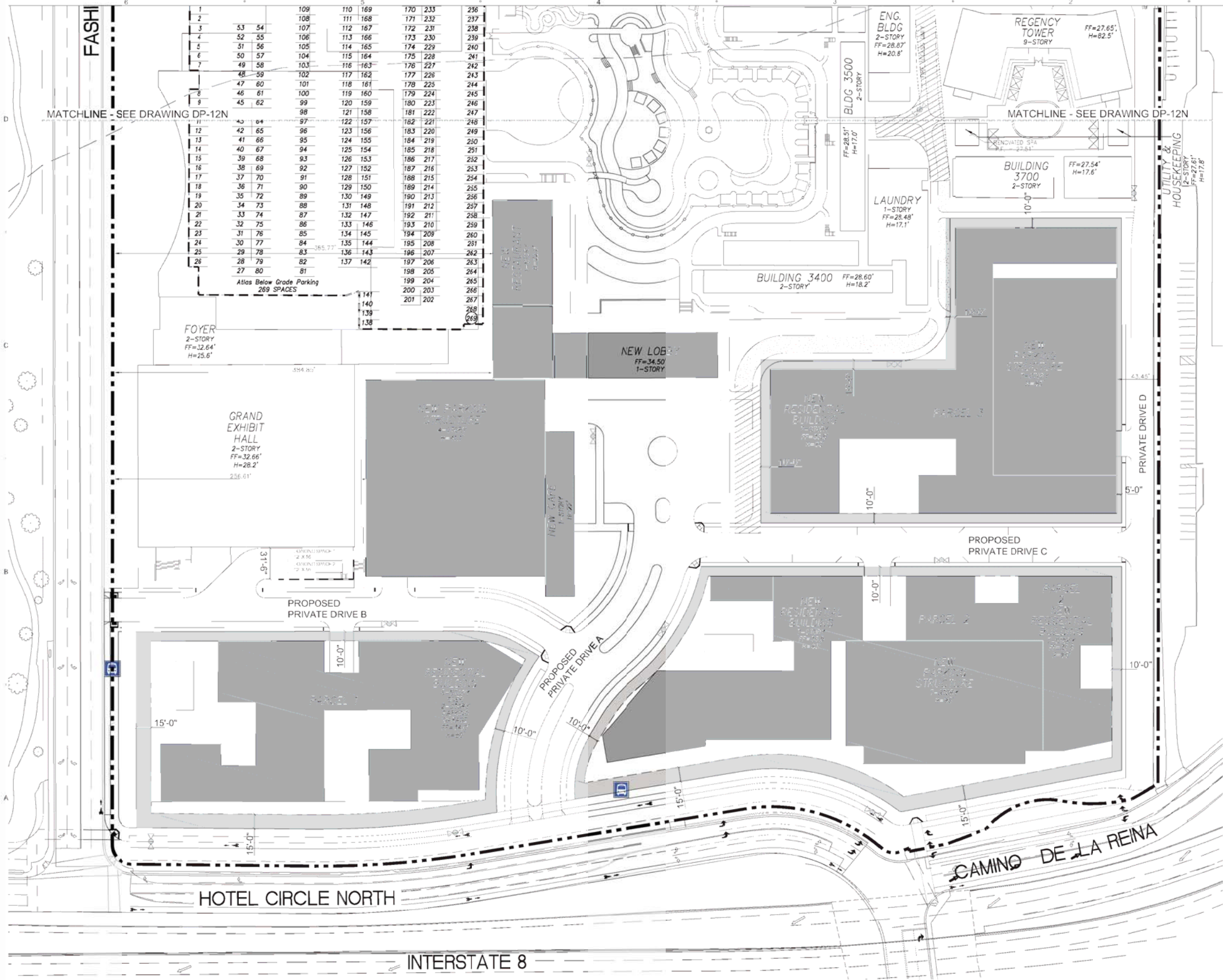
NOTE:
SEE SHEET 34 FOR METES AND BOUNDS.

SCALE:
0 40' 80'

KEY PLAN

MATCHLINE - SEE DRAWING DP-12S

1	53	54	109	110	169	170	233	234
2	52	55	108	111	168	171	232	235
3	51	56	107	112	167	172	231	236
4	50	57	106	113	166	173	230	237
5	49	58	105	114	165	174	229	238
6	48	59	104	115	164	175	228	239
7	47	60	103	116	163	176	227	240
8	46	61	102	117	162	177	226	241
9	45	62	101	118	161	178	225	242
10	44	63	100	119	160	179	224	243
11	43	64	99	120	159	180	223	244
12	42	65	98	121	158	181	222	245
13	41	66	97	122	157	182	221	246
14	40	67	96	123	156	183	220	247
15	39	68	95	124	155	184	219	248
16	38	69	94	125	154	185	218	249
17	37	70	93	126	153	186	217	250
18	36	71	92	127	152	187	216	251
19	35	72	91	128	151	188	215	252
20	34	73	90	129	150	189	214	253
21	33	74	89	130	149	190	213	254
22	32	75	88	131	148	191	212	255
23	31	76	87	132	147	192	211	256
24	30	77	86	133	146	193	210	257
25	29	78	85	134	145	194	209	258
26	28	79	84	135	144	195	208	259
27	27	80	83	136	143	196	207	260
28	26	81	82	137	142	197	206	261
29	25		81	138	141	198	205	262
30	24			139	140	199	204	263
31	23			140	139	200	203	264
32	22			141	138	201	202	265
33	21			142	137	202	201	266
34	20			143	136	203	200	267
35	19			144	135	204	199	268
36	18			145	134	205	198	269
37	17			146	133	206	197	270
38	16			147	132	207	196	271
39	15			148	131	208	195	272
40	14			149	130	209	194	273
41	13			150	129	210	193	274
42	12			151	128	211	192	275
43	11			152	127	212	191	276
44	10			153	126	213	190	277
45	9			154	125	214	189	278
46	8			155	124	215	188	279
47	7			156	123	216	187	280
48	6			157	122	217	186	281
49	5			158	121	218	185	282
50	4			159	120	219	184	283
51	3			160	119	220	183	284
52	2			161	118	221	182	285
53	1			162	117	222	181	286
54				163	116	223	180	287
55				164	115	224	179	288
56				165	114	225	178	289
57				166	113	226	177	290
58				167	112	227	176	291
59				168	111	228	175	292
60				169	110	229	174	293
61				170	109	230	173	294
62				171	108	231	172	295
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65				174	105	234	169	298
66				175	104	235	168	299
67				176	103	236	167	300
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69				178	101	238	165	302
70				179	100	239	164	303
71				180	99	240	163	304
72				181	98	241	162	305
73				182	97	242	161	306
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75				184	95	244	159	308
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186				295		355	48	419</



LEGEND

PROPOSED PROPERTY LINE
LIMIT OF REGULATORY FOOTWAY
SETBACK LINE
PROPOSED RESIDENTIAL PARCELS
RESIDENTIAL B.30 SETBACK
EXISTING FIRE HYDRANT
PROPOSED FIRE HYDRANT
BUS STOP
PROPOSED FIRE LINE

NOTE:
SEE SHEET 34 FOR METES AND BOUNDS.

PARKING SPACES FOR HOTEL/CONVENTION CENTER

Name	Spaces Required	Spaces Provided	H/C Required	H/C Provided
Royal Palm Towers	-	185	-	8
Atlas Below Grade	-	269	-	0
New Parking Structure	-	467	-	8
TOTAL	856	921	16	16

- NOTES:**
- THE TOTAL DEMAND FOR HOTEL/CONVENTION CENTER PARKING WAS CALCULATED USING CITY OF SAN DIEGO SHARED PARKING REGULATIONS.
 - PARKING SPACES FOR HOTEL/CONVENTION CENTER (PER SDMC SECTION CHAPTER 14, ARTICLE DIVISION 5, TABLE 142-05G)
 - REFERENCE TRAFFIC IMPACT ANALYSIS (PAGE 105) TABLE 13-1 PROPOSED MINIMUM PARKING REQUIRED (HOTEL) FOR SHARED PARKING INFORMATION.

PARKING SPACES FOR RESIDENTIAL DEVELOPMENT

Unit Type	Dwelling Units (DU)	Rate per DU	Spaces Required	Spaces Provided	H/C spaces Required (2%)	H/C Spaces Provided
Studio	48 DU	1.25	60			
1BD/1BA	64 DU	1.25	80			
2BD/2BA	48 DU	1.75	84			
Panel 1 Total	160 DU		224	224	4	4
Studio	83 DU	1.25	104			
1BD/1BA	110 DU	1.25	137			
2BD/2BA	82 DU	1.75	144			
Panel 2 Total	275 DU		385	443	8	8
Studio	77 DU	1.25	96			
1BD/1BA	102 DU	1.25	127			
2BD/2BA	76 DU	1.75	133			
Panel 3 Total	255 DU		356	410	7	7
Studio	45 DU	1.25	56			
1BD/1BA	60 DU	1.25	75			
2BD/2BA	45 DU	1.75	79			
Panel 4 Total	150 DU		210	210	4	4
GRAND TOTAL	840 DU		1,175	1,287	23	23

- NOTES:**
- PARKING SPACES REQUIRED (1.4/UNIT) IS A COMPOSITE RATE CALCULATED USING THE NUMBER OF EACH UNIT TYPE AND THE CITY RATES (1.25/STUDIO, 1.25/ONE BEDROOM, 1.75/TWO BEDROOM) FOR REQUIRED SPACES.
 - PARKING SPACES FOR RESIDENTIAL DEVELOPMENT (PER SDMC SECTION CHAPTER 14, ARTICLE DIVISION 5, TABLE 142-05C)

PARKING SPACES FOR RESIDENTIAL DEVELOPMENT (Continued)

Parcel	DU	Motorcycle Required (0.1/ DU)	Motorcycle Provided	Bicycle Required (0.5/DU)	Bicycle Provided
Parcel 1	160 DU	16	16	80	80
Parcel 2	275 DU	28	28	138	138
Parcel 3	255 DU	26	26	128	128
Parcel 4	150 DU	15	15	75	75
TOTAL	840 DU	85	85	421	421

MINIMUM OFF-STREET PARKING SPACES DIMENSIONS

Type of Space	Required Single Space Dimensions	Required Tandem Space Dimensions
Parking Space Unobstructed	8'-3" wide x 18' long	8'-0" wide x 36' long
Retail sales uses and eating and drinking establishments		
All Other Uses	8'-0" wide x 18' long	
Parking space abuts a wall, column, or other immovable obstacle	One side abutting obstacle: 9'-0" wide x 18' long	One side abutting obstacle: 9'-0" wide x 36' long
	Two sides abutting obstacle: 9'-6" wide x 18' long	Two sides abutting obstacle: 9'-6" wide x 36' long

OFF-STREET FREIGHT LOADING SPACES

The project is in the MVPD-MV-M zone and Off-Street Loading Spaces shall be provided per SDMC Section 1514.0403(d) and Table 1514-04B.

The existing Hotel/Convention Center is currently being served by a Receiving Area with 2 freight loading spaces located on the north side of the Golden Pacific Ballroom (See Sheet G-01). The proposed project is served by a new screened loading dock with 2 freight loading spaces (12 feet by 55 feet with unlimited vertical clearance) located on the south side of the Grand Exhibit Hall. (See Sheet LP-015 for landscape and wall screening of the new loading dock). The existing Hotel/Convention Center (excluding parking structures) is being reduced from 736,757 gross square feet to 592,941 gross square feet. Given the reduction of 143,816 gross square feet, the new loading dock is more than adequate to serve the needs of the reduced Hotel/Convention Center.

The off-street loading spaces for the residential lots shall be provided within the parking structure of each building out of view of the public right-of-way. Each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet and a vertical clearance of 14 feet, including entrances and exits.

Lot 1	128,000 gross square feet residential building	1 Space Required	1 Space Provided
Lot 2	220,000 gross square feet residential building	2 Spaces Required	2 Spaces Provided
Lot 3	204,000 gross square feet residential building	2 Spaces Required	2 Spaces Provided
Lot 4	120,000 gross square feet residential building	1 Space Required	1 Space Provided

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KEY PLAN

SHEET NUMBER 9 OF 40

DP-12S

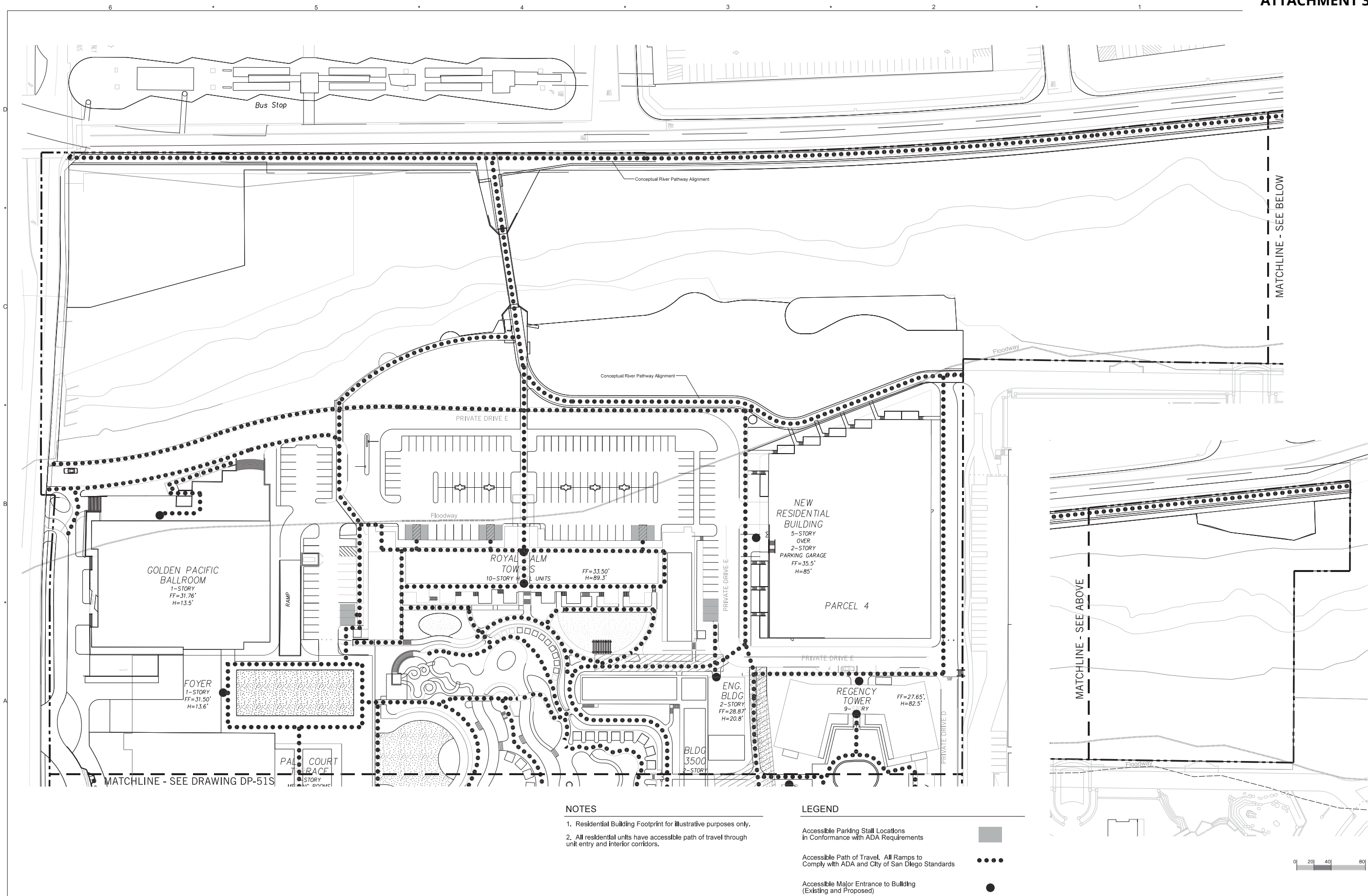
SHEET TITLE
STREET + PARKING PLAN
Proposed Site plan - South

PROJECT NUMBER 60329917

ISSUE

Aug 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan 2016	UIR RESUBMITTAL
Dec 2015	UIR RESUBMITTAL
3-27-15	UIR SUBMITTAL

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NOTES

1. Residential Building Footprint for illustrative purposes only.
2. All residential units have accessible path of travel through unit entry and interior corridors.

LEGEND

Accessible Parking Stall Locations
in Conformance with ADA Requirements



Accessible Path of Travel, All Ramps to
Comply with ADA and City of San Diego Standards



Accessible Major Entrance to Building
(Existing and Proposed)



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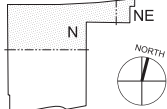
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KEY PLAN



SHEET NUMBER 10 OF 40

DP-51N

SHEET TITLE
DISABLED ACCESSIBILITY
PLAN - North

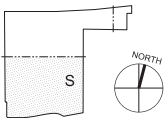
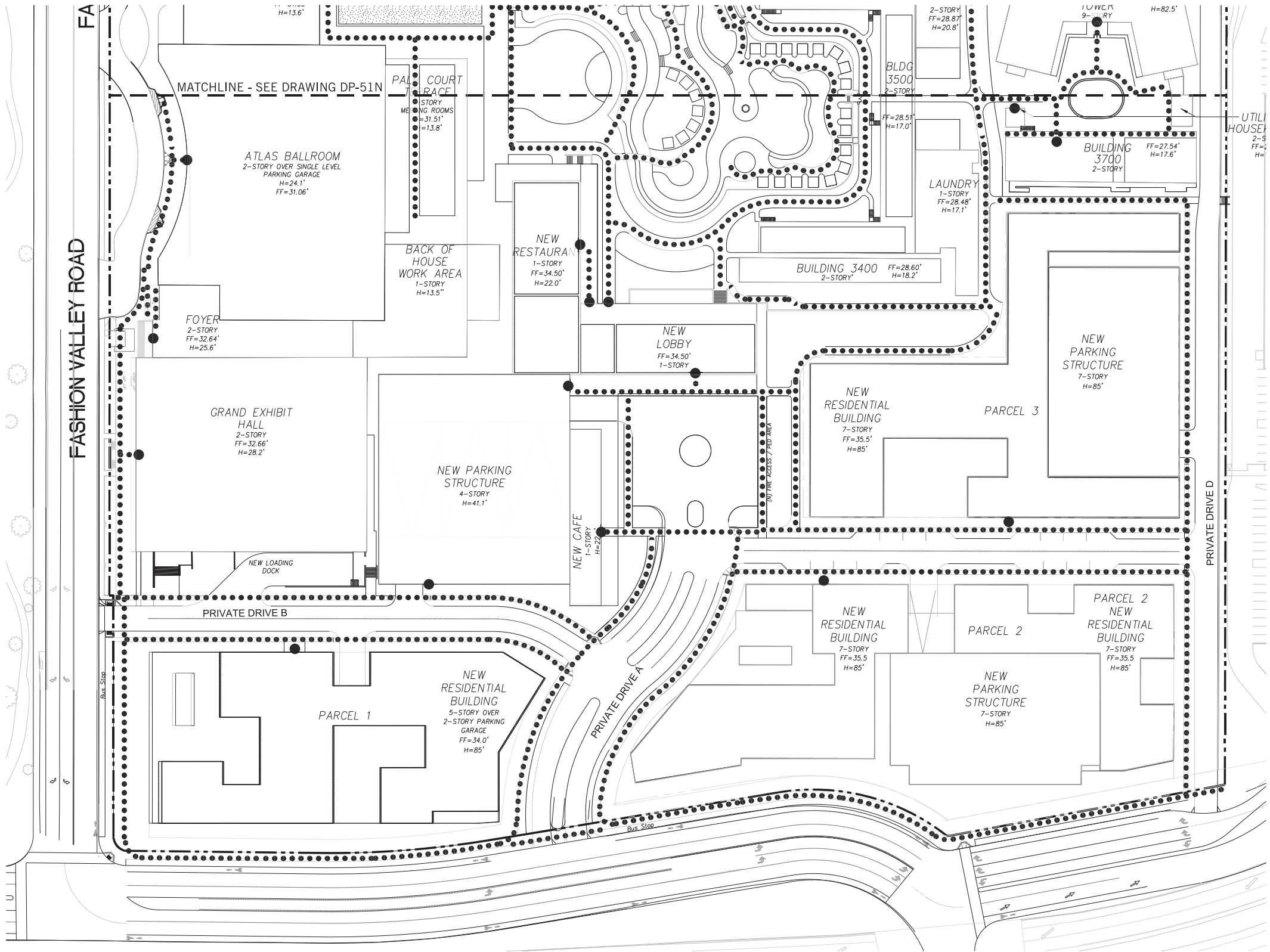
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AECOM	
PROJECT NUMBER	60329917
ISSUE	CITY PROJECT No. 424475
Aug 2016	MR RESUBMITTAL
July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
Jan 2016	MR RESUBMITTAL
Sept 2015	MR RESUBMITTAL
03/24/15	MR SUBMITTAL

LEGEND

- Accessible Parking Stall Locations
in Conformance with ADA Requirements
- Accessible Path of Travel, All Ramps to
Comply with ADA and City of San Diego Standards
- Accessible Major Entrance to Building
(Existing and Proposed)

NOTES

1. Residential Building Footprint for illustrative purposes only.
2. Shade Structures will be incorporated into the top deck of all
Parking Structures to meet all City Vehicular Use Area shade
requirements.



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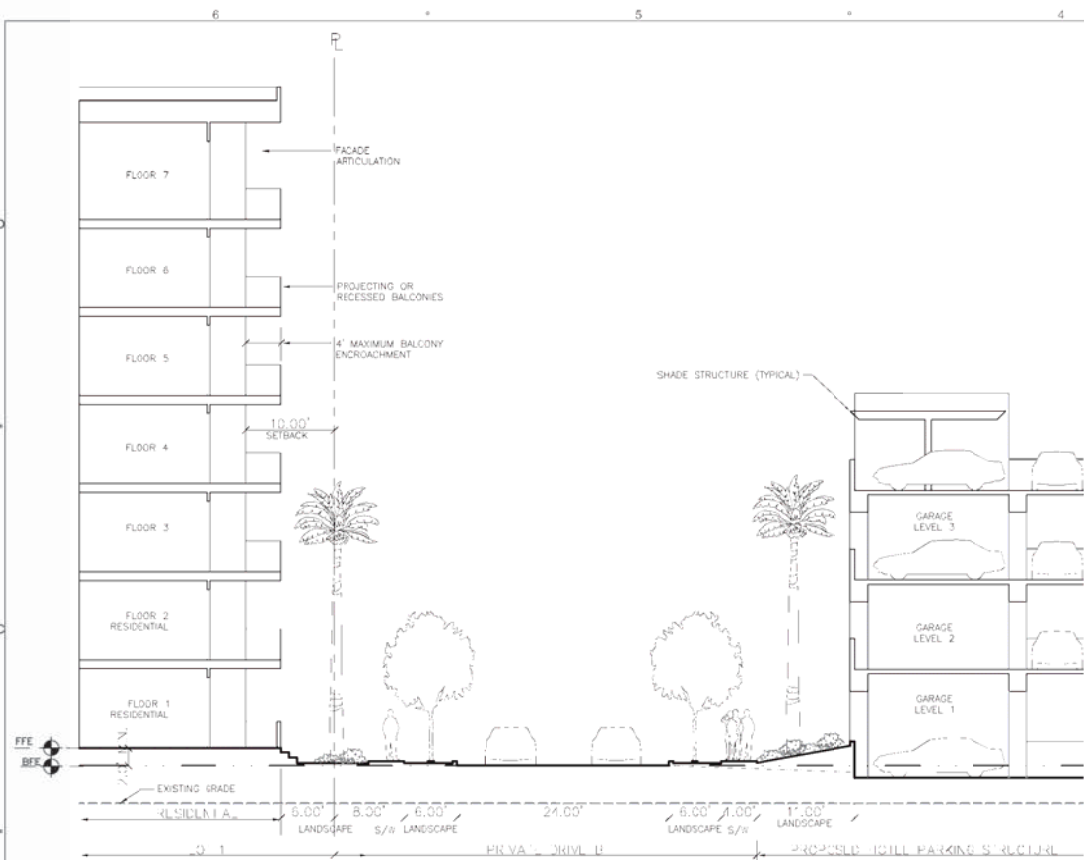
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SHEET NUMBER **11 OF 40**

DP-51S

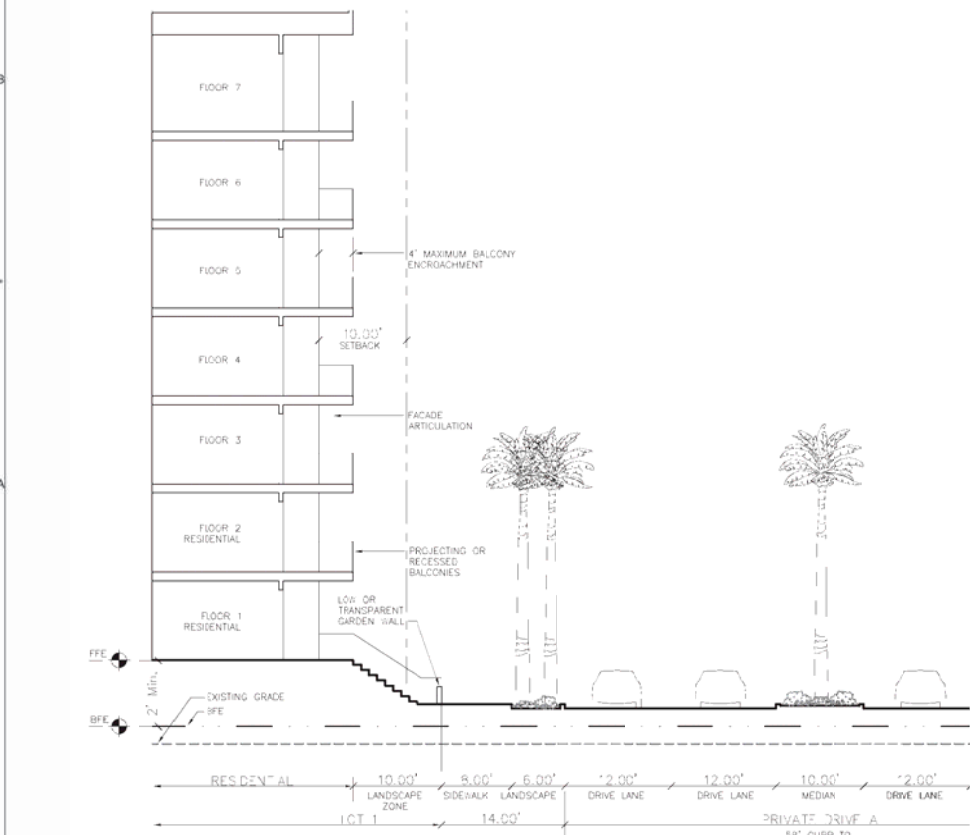
**DISABLED ACCESSIBILITY
PLAN - South**

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AECOM	
PROJECT NUMBER 60329917	
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July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
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Sept 2015	MR RESUBMITTAL
03.24.15	MR SUBMITTAL



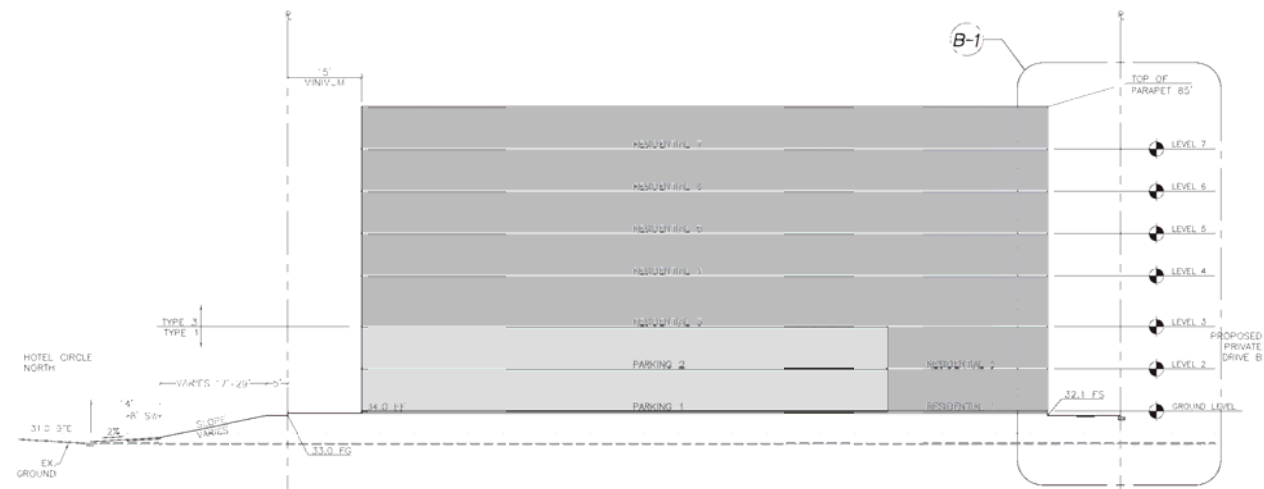
B-1 PARCEL 1 DETAIL SECTION

SCALE 1/8" = 1'-0"



A-1 PARCEL 1 DETAIL SECTION

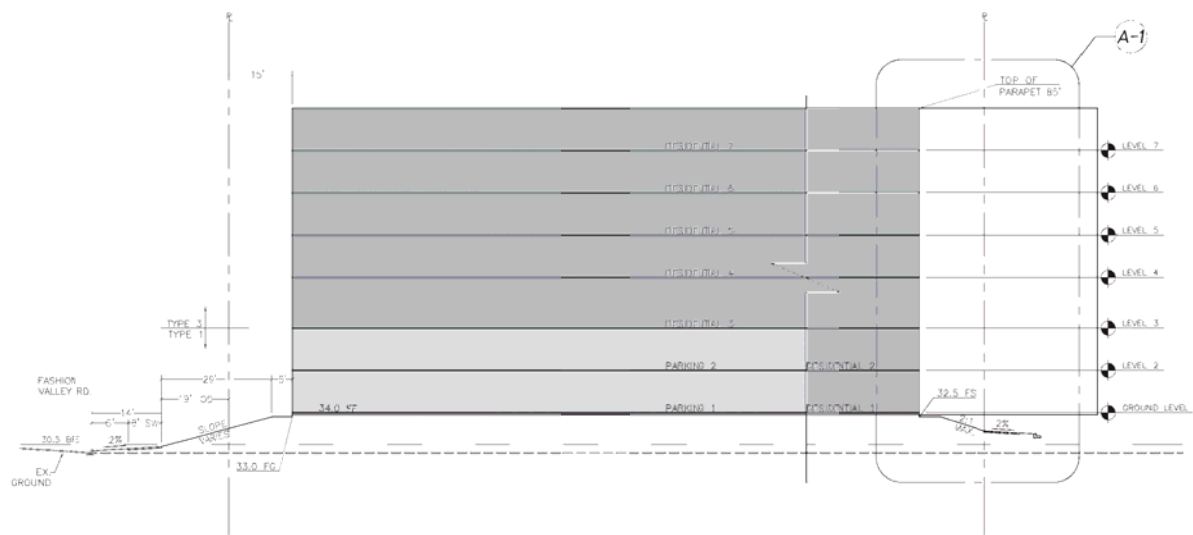
SCALE 1/8" = 1'-0"



BB PARCEL 1 SECTION N-S

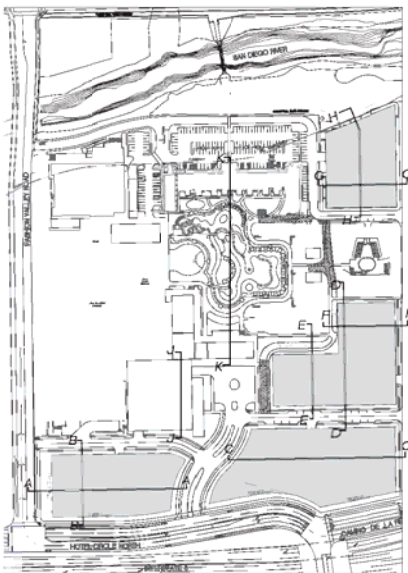
SCALE 1/8" = 1'-0"

NOTES / SUMMARY
BUILDING SELECTED UNLESS OTHERWISE NOTED IN PARCEL 1, 2, 3 & 4 SITE OR
ILLUSTRATION PURPOSE ONLY



AA PARCEL 1 SECTION E-W

SCALE 1/8" = 1'-0"



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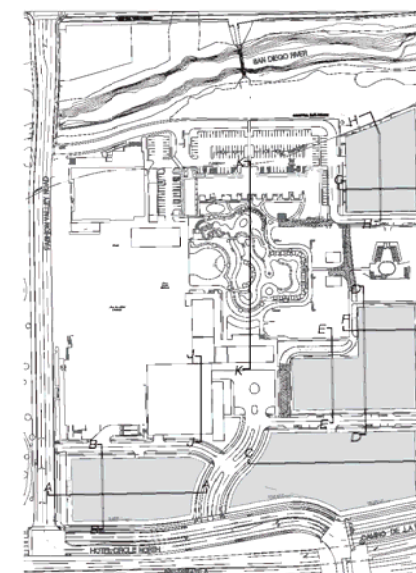
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San Diego, CA 92108

KEY PLAN
N
NE
S
South

SHEET NUMBER 12 OF 40
DP-61
SHEET TITLE SITE SECTIONS

AECOM
PROJECT NUMBER 60329917
ISSUE CITY PROJECT No. 424475
Aug 2016 DPP SUBMITTAL
July 2016 DPP SUBMITTAL
May 2016 DPP SUBMITTAL
Jan 2016 UIR RESUBMITTAL
Sep 2015 UIR RESUBMITTAL
3-22-15 UIR SUBMITTAL
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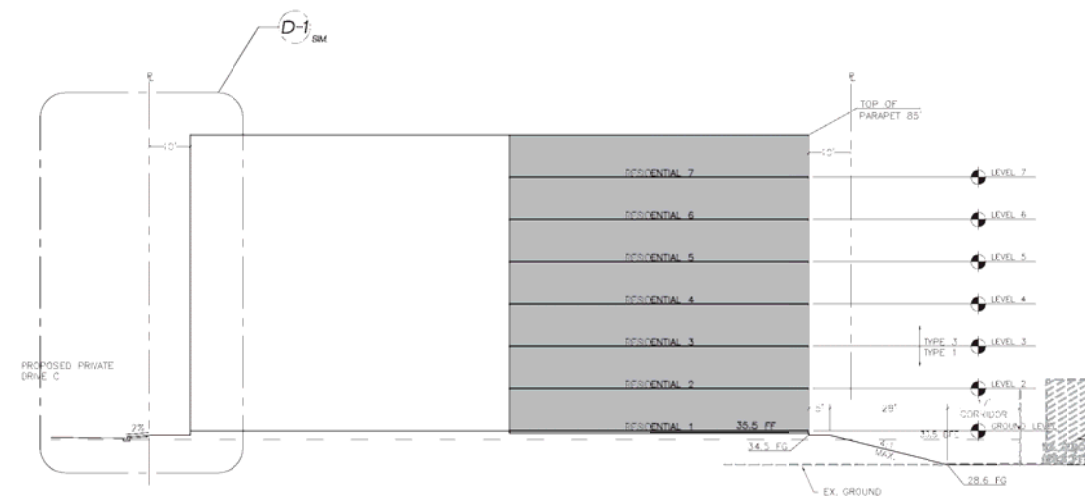
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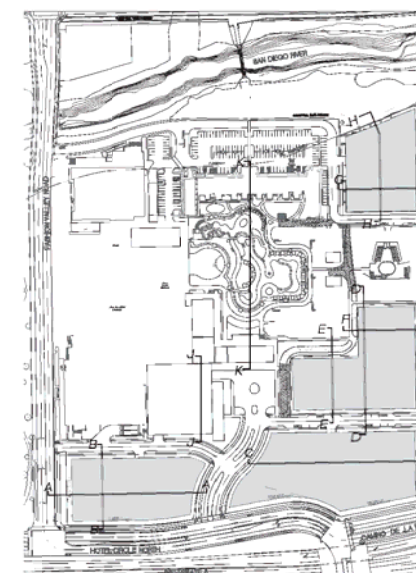
DP-62

SHEET TITLE

SITE SECTIONS



EE | PARCEL 3 SECTION N-S

$$\text{SF}^{\text{SAIL}} = 3^{\text{rd}} + 500.0$$


SCALE 1/8" = 1'-0"

	Mar'17 2017	DPP SUB/VITAL
	Nov 23 16	DPP SUB/VITAL
AECOM		
PROJECT NUMBER		6032999
ISSUE	CITY PROJECT No. 42447	
	Aug 23 16	DPP SUB/VITAL
	July 20 16	DPP SUB/VITAL
	Mar 20 16	DPP SUB/VITAL
	Jan 20 16	MIR RESUBM TTAL
	Sev 20 15	MIR RESUBM TTAL
	3 24 15	MIR SUB/VITAL

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KEY PLAN

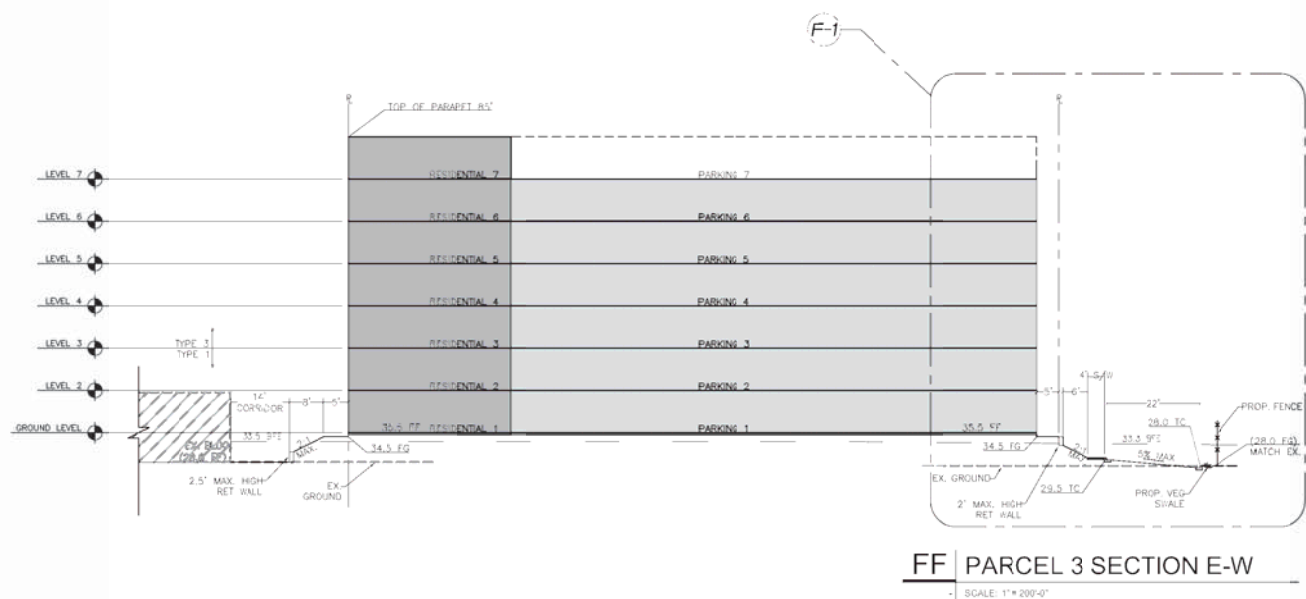
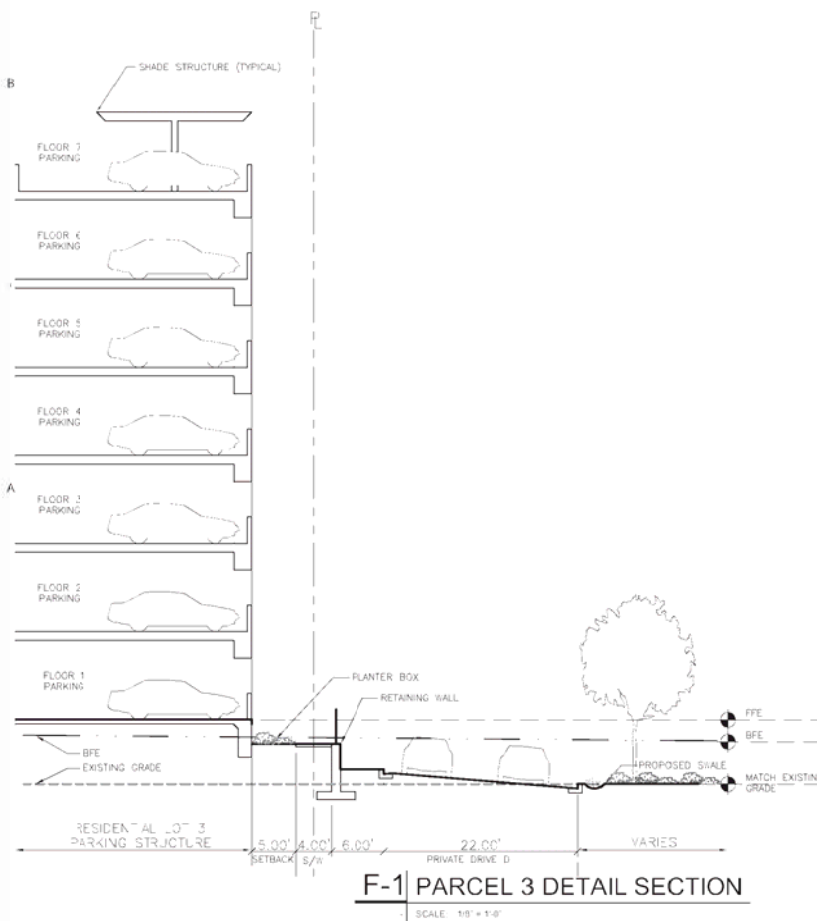
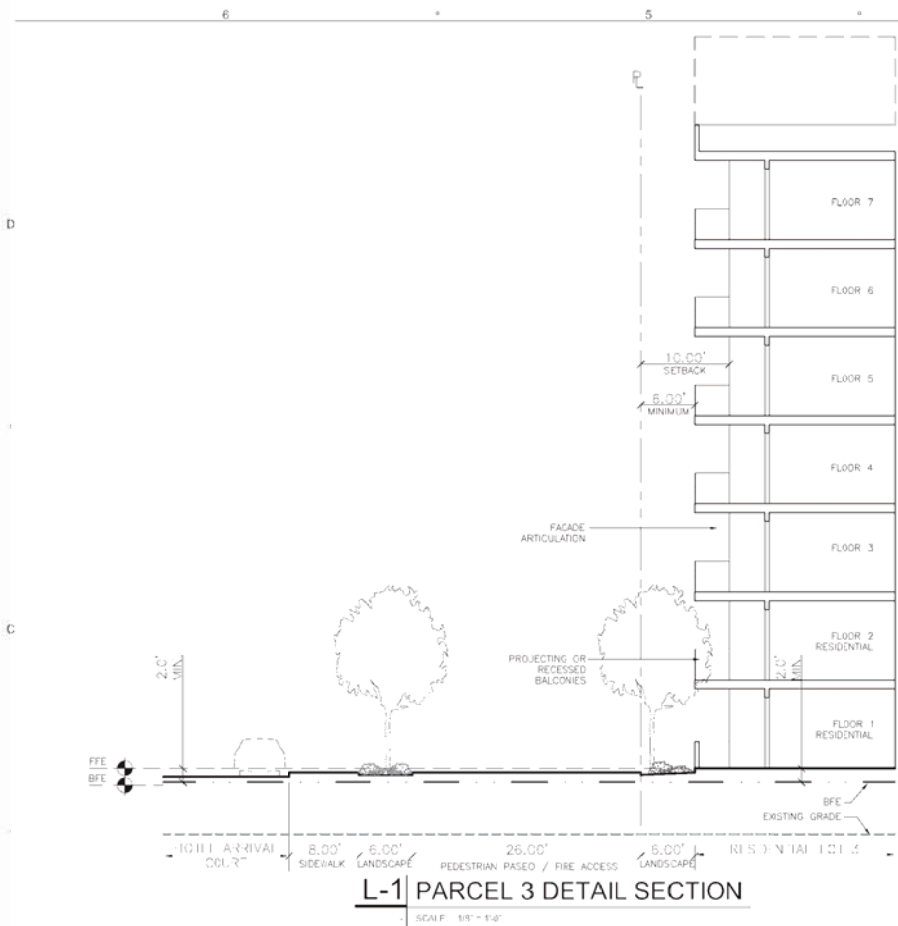


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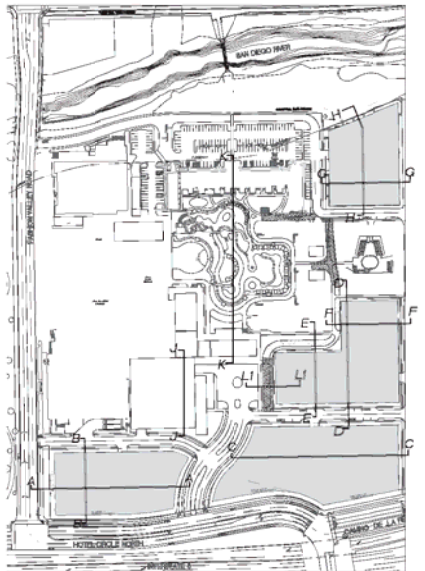
S

0 100m

SHEET NUMBER 14 OF 40
DP-63
SHEET TITLE
SITE SECTIONS



NOTES / SUMMARY
BUILDING SECT L-1 UNSHOWN IN RESIDENTIAL PARCEL 1, 2, 3 & 4, 5, 1 OR
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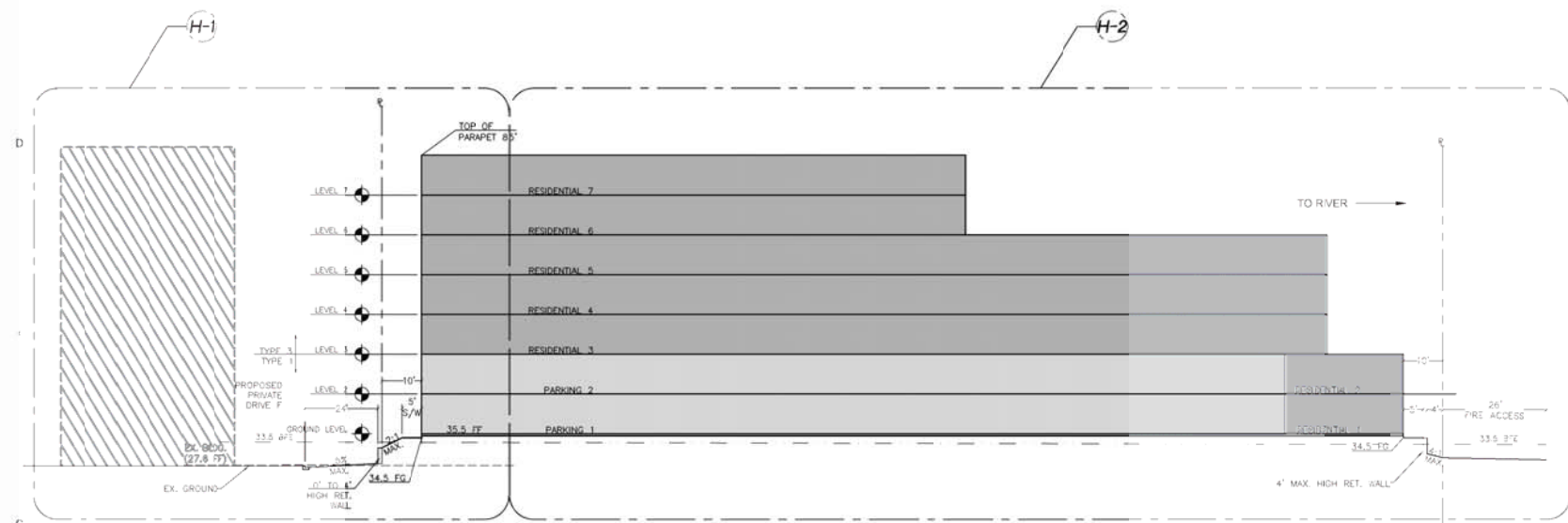
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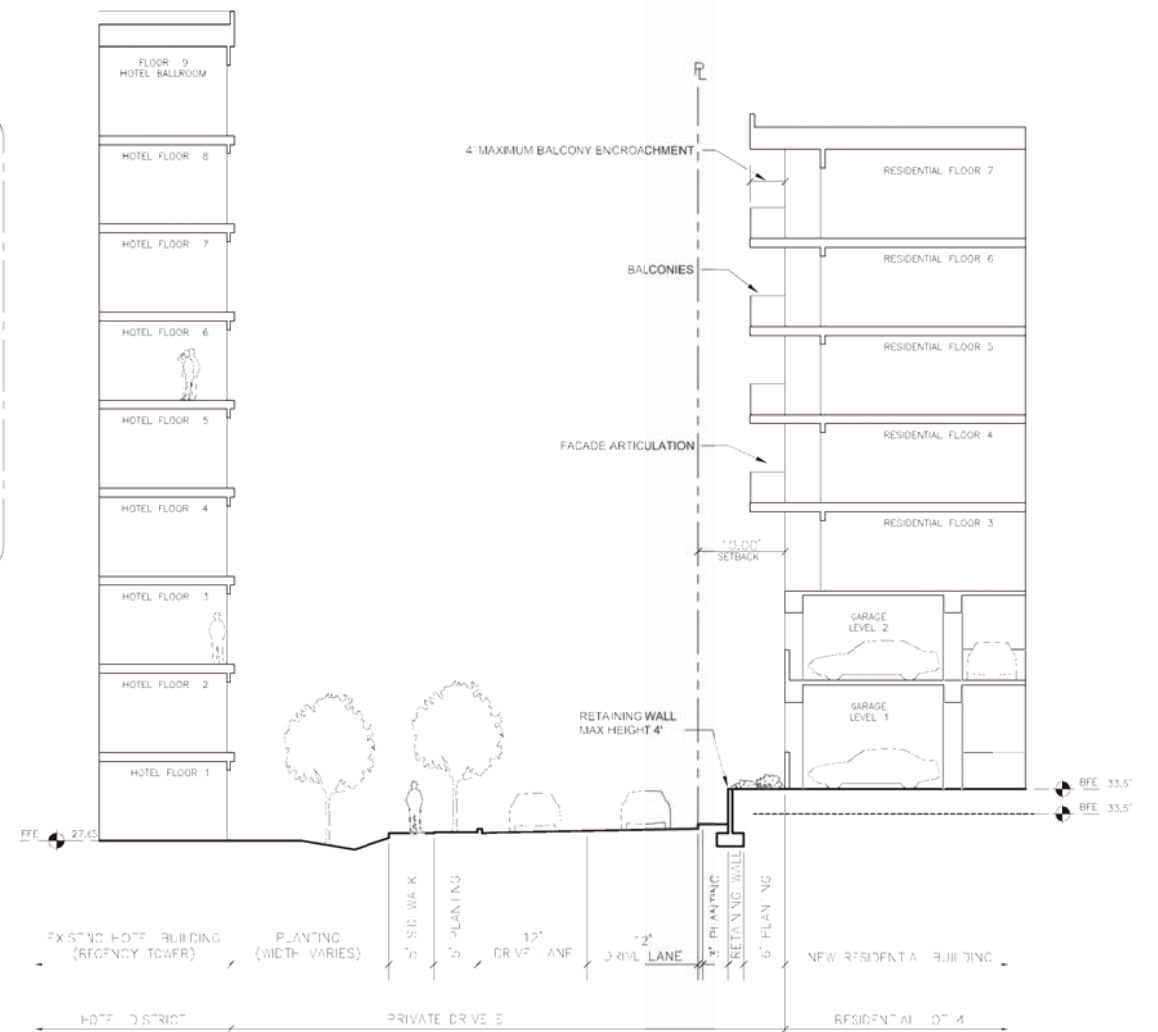


SHEET NUMBER 15 OF 40
DP-64
SHEET TITLE SITE SECTIONS

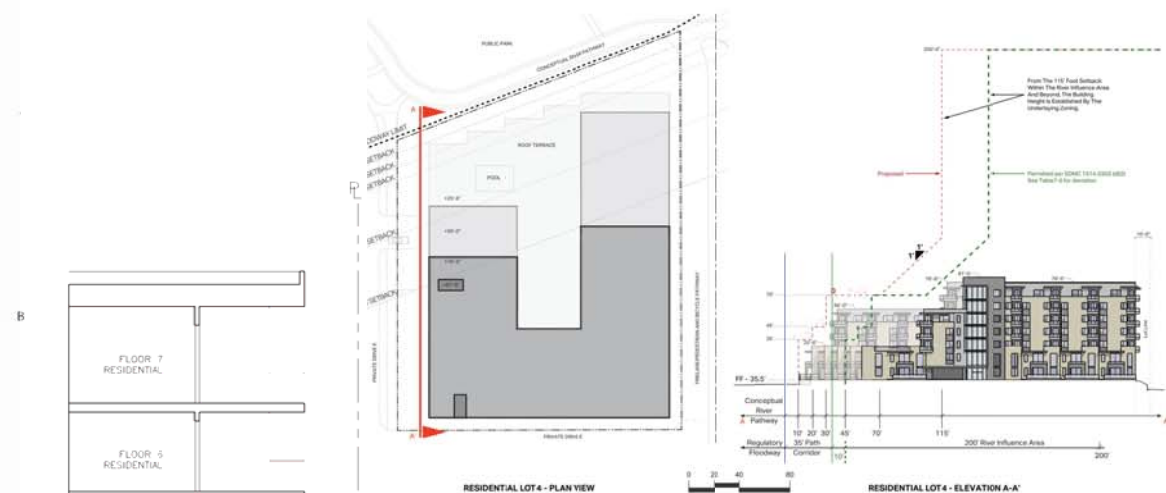
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Nov 2016	DPP SUBMITTAL
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ISSUE CITY PROJECT No. 424475	
Aug 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
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Jan 2016	UIR RESUBMITTAL
Sept 2015	UIR RESUBMITTAL
3-22-15	UIR SUBMITTAL



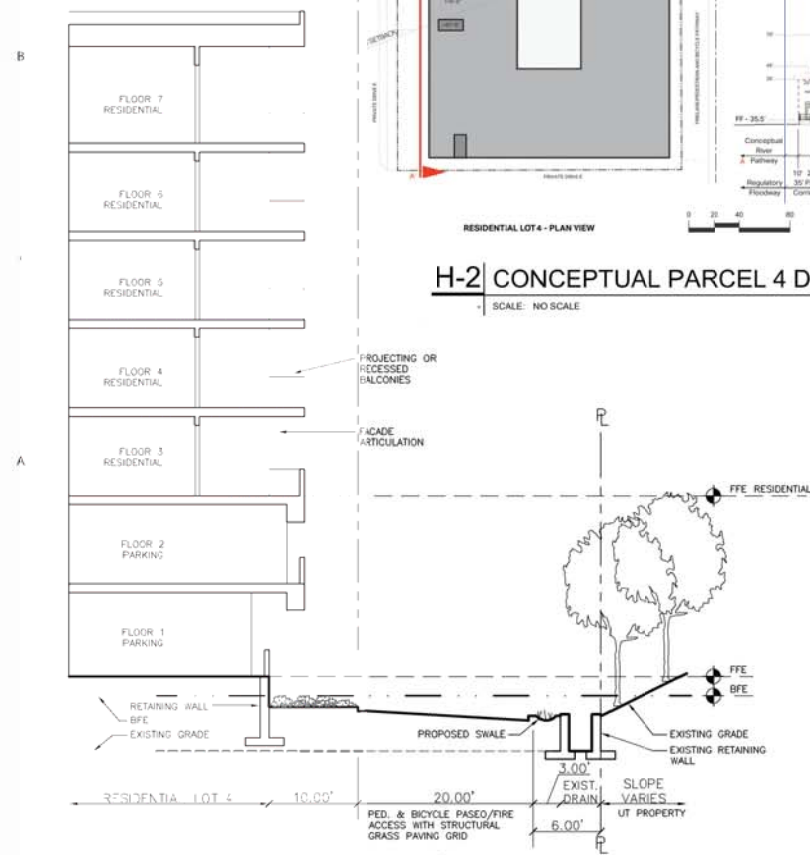
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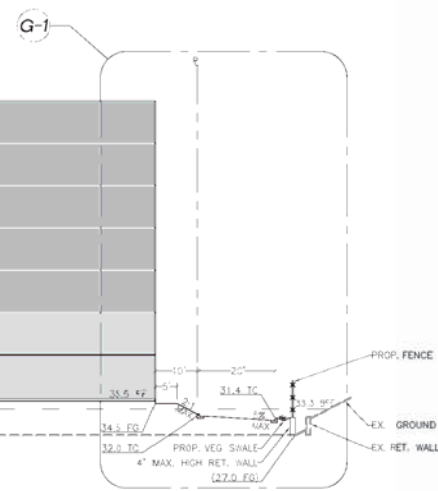
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H-2 CONCEPTUAL PARCEL 4 DETAIL SECTION
SCALE: NO SCALE



G-1 PARCEL 4 DETAIL SECTION
SCALE: 1/8" = 1'-0"



GG PARCEL 4 SECTION E-W
SCALE: 1" = 20'-0"



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KEY PLAN
N
NE
S
SW

SHEET NUMBER 16 OF 40
DP-65
SHEET TITLE SITE SECTIONS

AECOM
PROJECT NUMBER 60329917
ISSUE CITY PROJECT No. 424475
Aug 2016 DPP SUBMITTAL
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May 2016 DPP SUBMITTAL
Jan 2016 UIR RESUBMITTAL
Sep 2015 UIR RESUBMITTAL
3-22-15 UIR SUBMITTAL

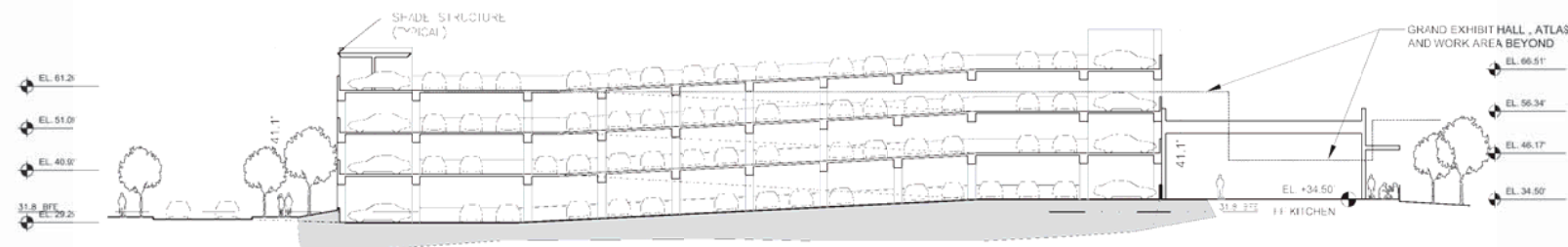
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KK SITE SECTION N-S

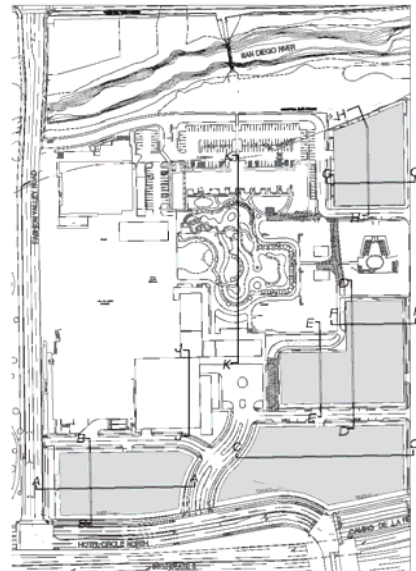
SCALE 1" = 200'-0"

NOTES / SUMMARY
BUILDING SECTIONS SHOWN IN VERTICAL PANELS 1, 2, 3 & 4, 5, 1 OR
ILLUSTRATION PURPOSE ONLY



JJ NEW PARKING SECTION N-S

SCALE 1" = 200'-0"



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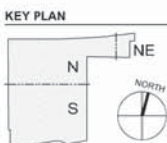
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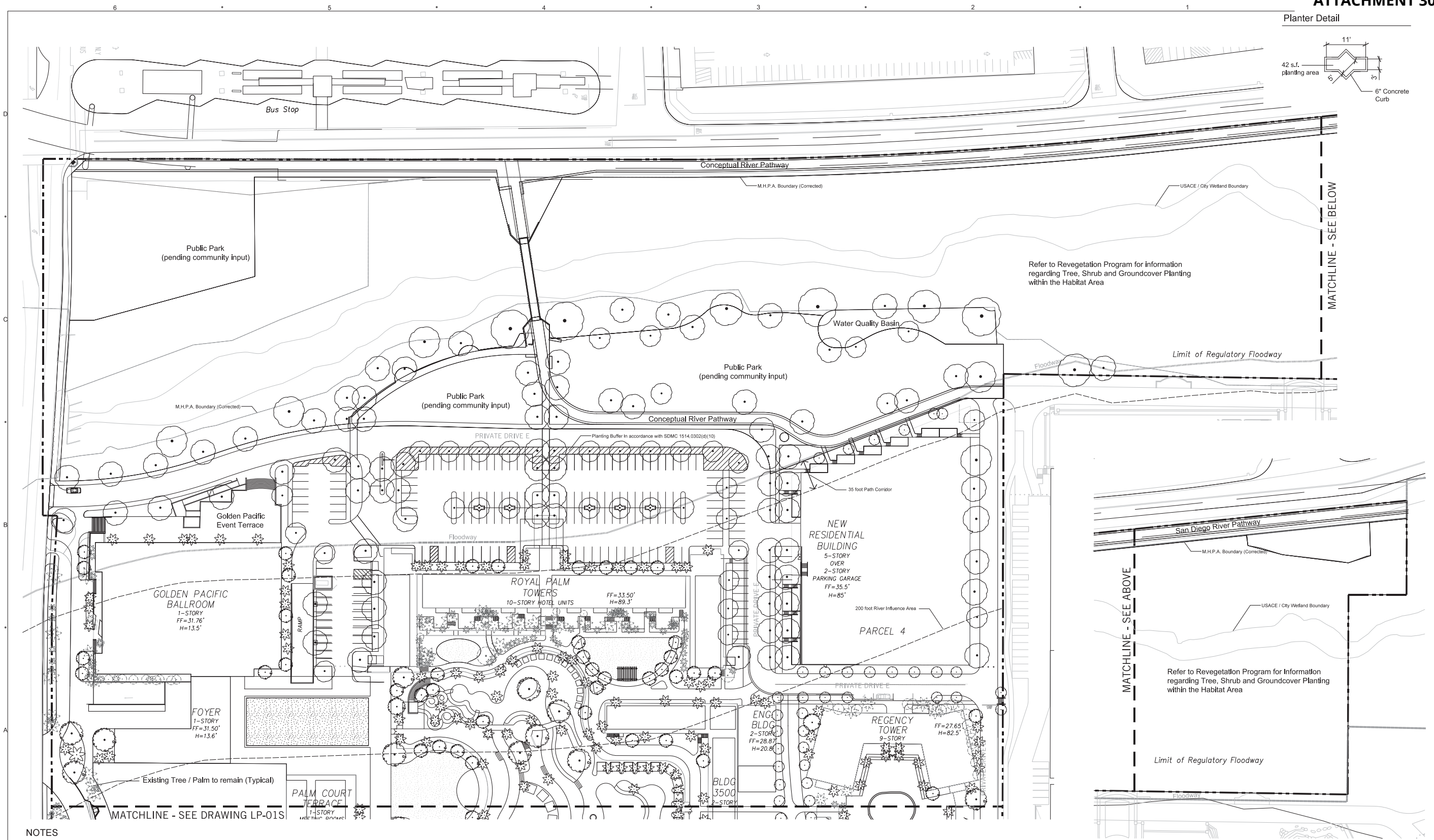
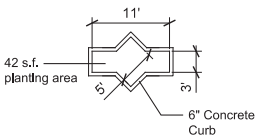
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SHEET NUMBER 17 OF 40
DP-66
SHEET TITLE
SITE SECTIONS

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Nov 2016	DPP SUBMITTAL
AECOM	
PROJECT NUMBER 60329917	
ISSUE CITY PROJECT No. 424475	
Aug 2016	DPP SUBMITTAL
July 2016	DPP SUBMITTAL
May 2016	DPP SUBMITTAL
Jan 2016	UIR SUBMITTAL
Sept 2015	UIR SUBMITTAL
3-24-15	UIR SUBMITTAL

Planter Detail



NOTES

1. Residential Building Footprint for illustrative purposes only.

2. Refer to Sheet LP-02 for Landscape Legend and additional planting and maintenance notes

3. Vegetation shall be selected and maintained in such a manner as to allow immediate access to hydrants, valves, Fire Dept. connections, pull stations, extinguishers, sprinkler risers, alarm control panels, rescue windows, and other devices or areas used for fire fighting purposes. Vegetation or building features shall not obstruct address numbers or inhibit the functioning of alarm bells, horns, or strobes.

4. All new plant material in the San Diego River Park Corridor and Transitional Areas are to be non-invasive low water use species and selected to complement the native plants in the River
- Corridor through color, texture and forms. Plant materials within the River Influence Area should frame and enhance views of the River Corridor Area, to conform with the San Diego River Park Master Plan

5. Shade Structures will be incorporated into the top deck of all Parking Structures to meet all City Vehicular Use Area shade requirements.

6. Plant material depicted within Public Park is conceptual. Species, Quantities, and Placement of all plant material within Public Park will be determined through final park design.

7. All landscape and Irrigation shall conform to the standards of the City-Wide Landscape Regulations and the City of San Diego Land Development Manual Landscape Standards and all other landscape related City and Regional Standards.
8. Minimum Tree Separation Distance:
Traffic Signals / Stop Signs - 20 feet
Underground utility lines - 5 feet (10' for Sewer)
Above ground utility structures - 10 feet
Driveway (entries) - 10 feet
Intersection (intersecting curb lines of two streets) - 25 feet

9. Maintenance:
All required landscape areas shall be maintained by the Property Owner. Landscape and Irrigation areas in the public right-of-way shall be maintained by the Property Owner. The landscape areas shall be maintained free of debris and litter, and all plant materials shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.
10. A minimum root zone of 40 sf in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet per SDMC 142.0403(b)(5).

11. Trees shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway grade and branches over vehicular travel ways are 16 feet above the grade of the travel way per the SDMC 142.0403(b)(10).

12. Existing trees to remain on site within the area of work will be protected in place. The following protection measures will be provided:
a. A bright yellow or orange temporary fence will be placed around existing trees at the drip line.
b. Stockpiling, topsoil disturbance, vehicle use, and material storage of any kind is prohibited within the drip line.
- c. A tree watering schedule will be maintained and documented during construction.

d. All damaged trees will be replaced with one of equal or greater size.

13. Mulch: All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 3 inches, excluding slopes requiring revegetation per SDMC 142.0411.

14. Tree root barriers shall be installed where trees are placed within 5 feet of public improvements including walks, curbs, or street pavements or where new public improvements are placed adjacent to existing trees. The root barrier will not wrap around the root ball.
15. If any required landscape indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Dept within 30 day of damage.

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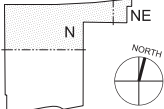
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KEY PLAN



SHEET NUMBER 18 OF 40

LP-01N

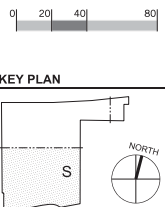
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LANDSCAPE PLAN - North

Nov 2016 | DPP SUBMITTAL

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PROJECT NUMBER 60329917

ISSUE	CITY PROJECT No. 424475
Aug 2016	MR RESUBMITTAL
July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
Jan 2016	MR RESUBMITTAL
Sept 2015	MR RESUBMITTAL
03.24.15	MR SUBMITTAL



NOTES

- SHEET NUMBER** **19 OF 40**

Nov 2016	DPP SUBMITTAL
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AECOM

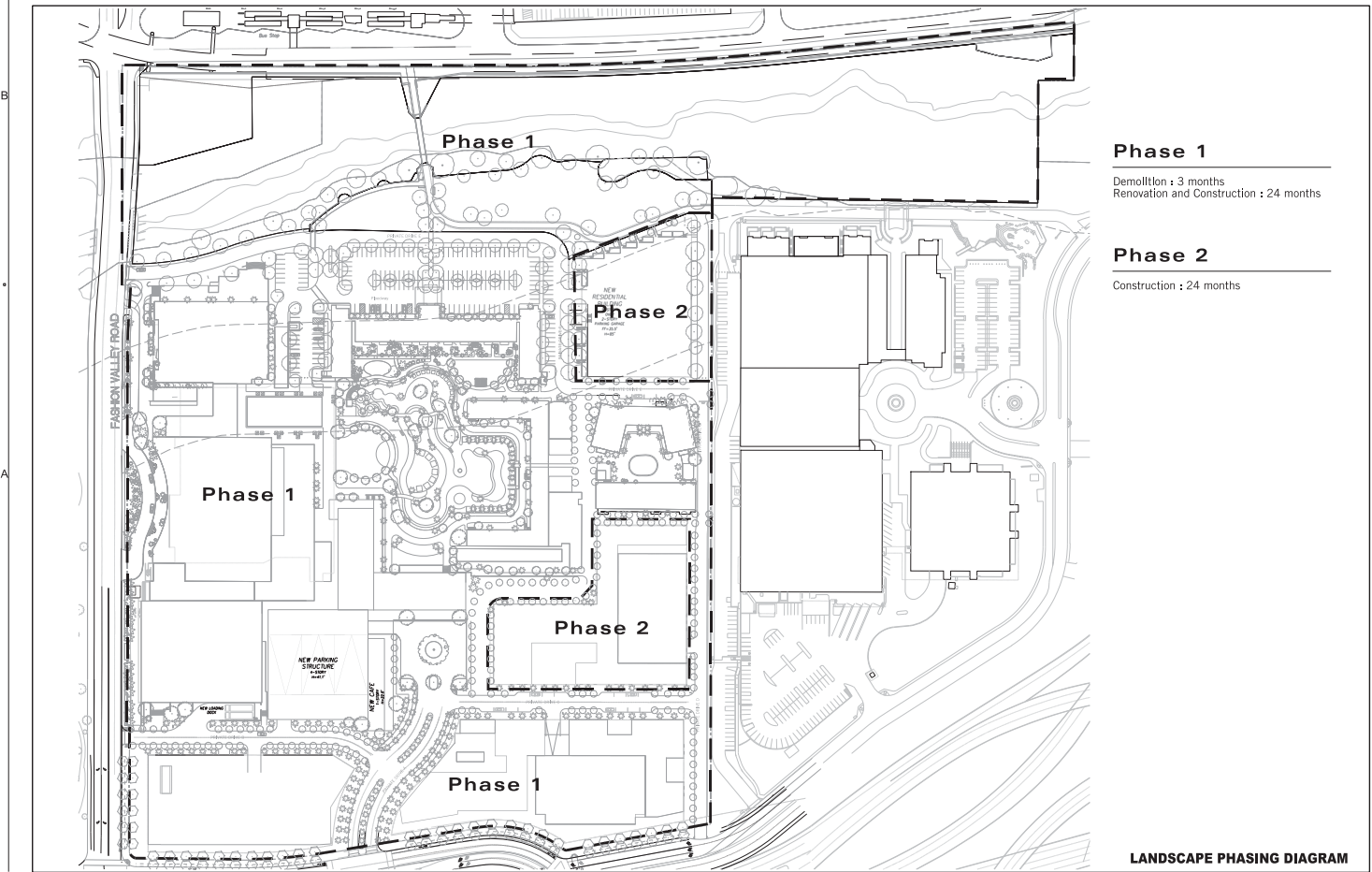
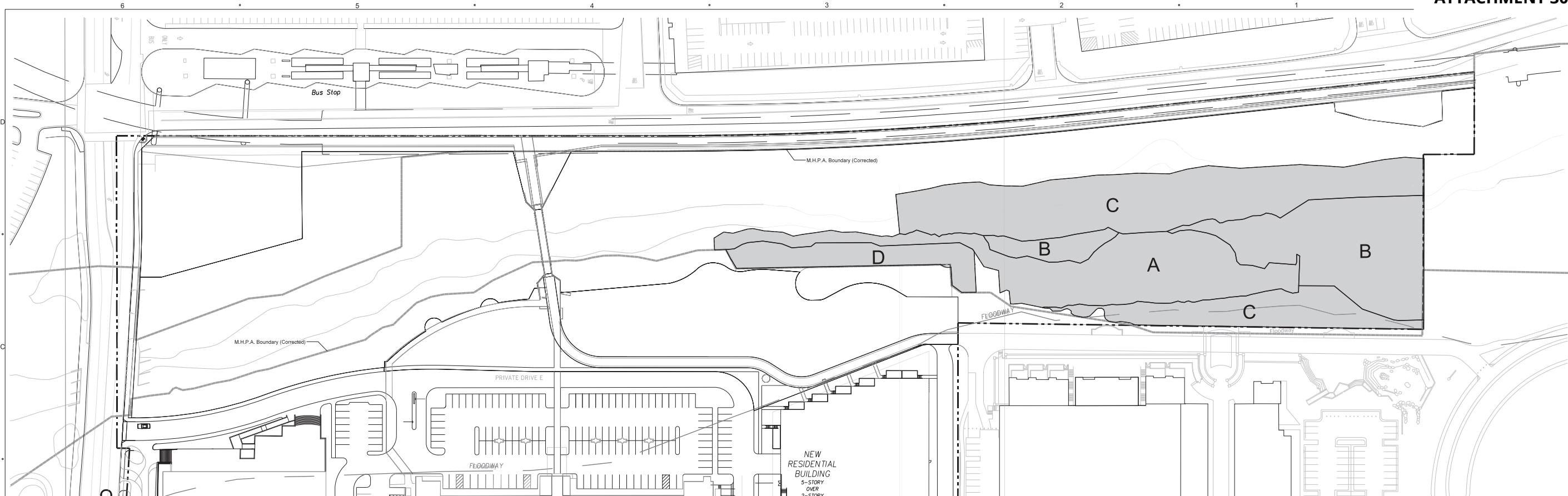
PROJECT NUMBER 60329917

ISSUE CITY PROJECT NO. 424475

Aug 2016	MIR RESUBMITTAL
July 2016	MIR RESUBMITTAL
May 2016	MIR RESUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
03.24.15	MIR SUBMITTAL

KEY PLAN

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Legend

Symbol	Description
-----	Multi-Habitat Preservation Area
-----	Property Line

Restoration and Enhancement Mitigation for Previous Site Development Permit 400602 *

Symbol	Description
-----	Area within which required restoration and enhancement must occur. **
A	Restoration (fill area)
B	Restoration (1:1 mitigation area)
C	Enhancement (2:1 mitigation area) ***
D	Restoration (buffer zone)

* Per the Conceptual Mitigation Plan associated with SDP #400602 (RECON 2012), restoration and enhancement will begin at the upstream end on the southern bank and move downstream until the mitigation acreage (i.e., 2.76 acres) is fulfilled.

** The area within which required restoration and enhancement must occur is 5.5 acres. SDP #400602 requires 2.76 acres of restoration and enhancement within this area. This includes restoration of temporary fill areas (0.61 acre), restoration for mitigation (1.64 acre), enhancement for mitigation (1.28 acres), and planting a 30-foot average upland buffer zone (0.23 acre).

*** The enhancement area depicted on this figure (Area C) is an approximation. A discrete 1.28-acre enhancement area was not identified by RECON (2012); therefore, for the purposes of displaying enhancement requirements of SDP #400602, a 1.28-acre area was created based on the assumption that enhancement will start on the south and east end of the river and move downstream until the acreage requirement is fulfilled (RECON 2012)

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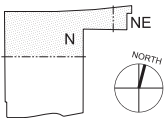
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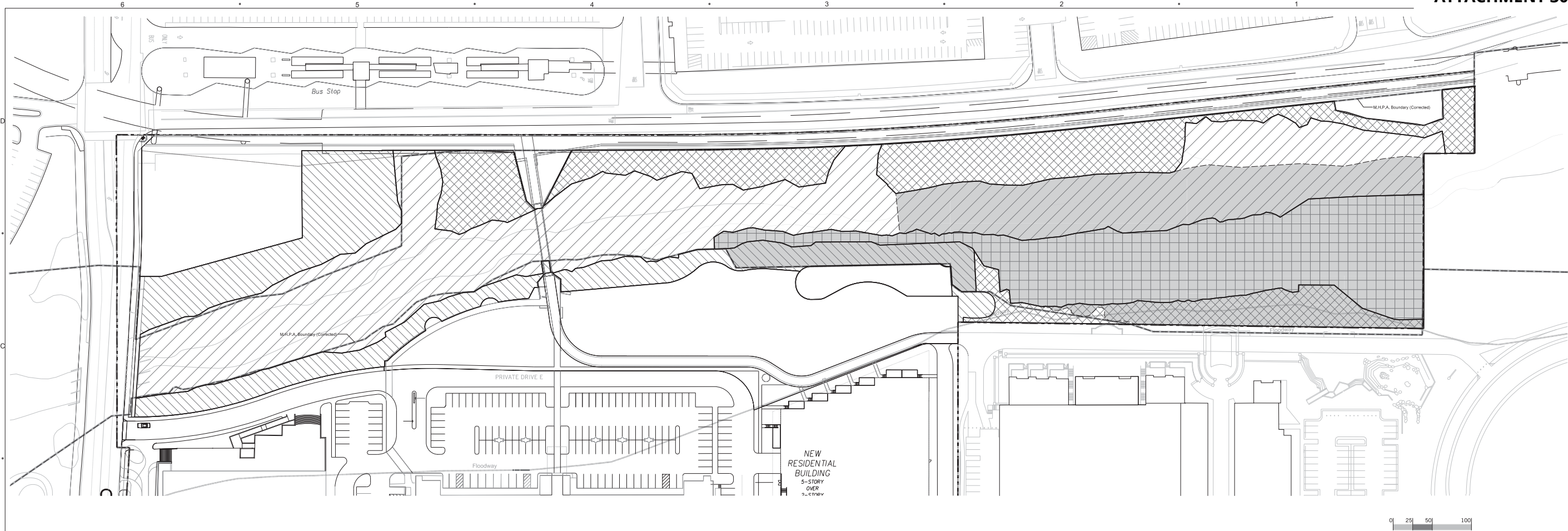


SHEET NUMBER 21 OF 40

LP-03

SHEET TITLE
SITE DEVELOPMENT
PERMIT #400602 RESTORATION
AND ENHANCEMENT AREA

Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER	60329917
ISSUE	CITY PROJECT No. 424475
Aug 2016	MIR RESUBMITTAL
July 2016	MIR RESUBMITTAL
May 2016	MIR RESUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
03/24/15	MIR SUBMITTAL



Legend

Symbol	Description
	Restoration and Enhancement Areas
	Multi-Habitat Preservation Area
	Property Line
	Required Restoration / Enhancement Area for Previous Site Development Permit *

* SDP #400602 requires 2.76 acres of restoration and enhancement within this area. This includes restoration of temporary fill areas (0.61 acre), restoration for mitigation (0.64 acre), enhancement for mitigation (1.28 acres), and planting a 30-foot average upland buffer zone (0.23 acre). Per the Conceptual Mitigation Plan associated with SDP #400602 (RECON 2012), restoration and enhancement will begin at the upstream end on the southern bank and move downstream until the mitigation acreage (i.e., 2.76 acres) is fulfilled. See LP-03 for details regarding restoration and enhancement required by SDP #400602.

Proposed Habitat Restoration and Enhancement

Symbol	Description
	Oak Riparian Woodland (Restoration) - 1.74 acres
	Coastal Sage Scrub (Restoration) - 1.37 acres
	Southern Cottonwood Willow Riparian Forest (Enhancement) - 3.53 acres
	Southern Cottonwood Willow Riparian Forest (Restoration) - 1.46 acres

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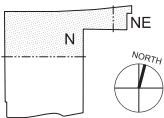
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SHEET NUMBER **22 OF 40**

LP-04

SHEET TITLE
**PROJECT RESTORATION AND
ENHANCEMENT PLAN**

Nov 2016 | DPP SUBMITTAL

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PROJECT NUMBER 60329917

ISSUE	CITY PROJECT No. 424475
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03/24/15	MIR SUBMITTAL

CONTAINER PLANT PALETTE –
SOUTHERN COTTONWOOD-WILLOW RIPARIAN FOREST

Scientific name	Common name	Container size	Spacing (feet on center)	Plants per acre
<i>Artemisia douglasiana</i>	Douglas mugwort	4 inch -1 gallon	15	188
<i>Artemisia tridentata</i>	Palmer's sagewort	4 inch -1 gallon	15	188
<i>Baccharis salicifolia</i>	Mulleat	liners/1 gallon rooted cuttings	13	250
<i>Iva hayesiana</i>	San Diego marsh elder	4 inch -1 gallon	12	313
<i>Juncus acutus</i>	Spike rush	4 inch -1 gallon	15	188
<i>Platanus racemosa</i>	California sycamore	1 gallon	18	125
<i>Pluchea odorata</i>	Salt marsh fleabane	4 inch -1 gallon	15	188
<i>Populus fremonti</i> ssp. fremontii	Fremont cottonwood	liners/1 gallon rooted cuttings	19	125
<i>Salix gooddingii</i>	Black willow	liners/1 gallon rooted cuttings	13	250
<i>Salix lasiolepis</i>	Arroyo willow	liners/1 gallon rooted cuttings	13	250
			Total	5 2065

Notes for Southern Cottonwood-Willow Riparian Container Plants:

- Plants will be propagated from material collected from coastal San Diego County (within 25 miles of the coast). Nursery stock may also be used if determined appropriate by the Restoration Specialist.
- Only the Restoration Specialist may approve potential substitutions or quantity adjustments.
- The average container plant spacing is given based on the total plants-per-acre. However, plants will be placed in various configurations to mimic onsite conditions.

TARGET SEED LIST –
SOUTHERN COTTONWOOD-WILLOW RIPARIAN FOREST

Scientific name	Common name	PLS pounds/acre
<i>Anemopsis californica</i>	Yerba mansa	0.25
<i>Artemisia douglasiana</i>	Mugwort	0.25
<i>Artemisia tridentata</i>	San Diego sagewort	0.25
<i>Carex praegracilis</i>	Field sedge	3
<i>Carex spissa</i>	San Diego sedge	3
<i>Leymus trichodes</i>	Beardless wildrye	14
<i>Lonicera subspicata</i>	Wild honeysuckle	0.25
<i>Mimulus guttatus</i>	Common monkeyflower	0.25
<i>Rhus uraria</i>	California blackberry	0.25
<i>Sambucus mexicana</i>	Blue elderberry	0.25
<i>Urtica dioica</i>	Stinging nettle	0.25

Notes for Southern Cottonwood-Willow Riparian Seed List:

- PLS = Pure Live Seed = seed purity x germination rate
- Seed will be collected from coastal San Diego County (within 25 miles of the coast).
- Only the Restoration Specialist may approve substitutions and quantity adjustments.

CONTAINER PLANT PALETTE – UPLAND COASTAL SAGE SCRUB¹

Scientific Name	Common Name	Container Size	Spacing (feet on center)	Plants per acre
<i>Artemisia californica</i>	California sagebrush	4 inch -1 gallon	9	500
<i>Baccharis salicifolia</i>	Mulleat	liners/1 gallon rooted cuttings	13	250
<i>Encelia californica</i>	California encelia	4 inch -1 gallon	13	250
<i>Eriogonum fasciculatum</i>	California buckwheat	4 inch -1 gallon	12	500
<i>Elymus trichodes</i>	Beardless wild rye	plugs	17	50
<i>Mimulus aurantiacus</i>	Bush monkeyflower	4 inch -1 gallon	15	200
<i>Muhlenbergia rigens</i>	Deergrass	4 inch -1 gallon	15	200
<i>Nassella pulchra</i>	Purple needlegrass	4 inch -1 gallon	10	400
<i>Salix gooddingii</i>	Black willow	liners/1 gallon rooted cuttings	13	250
<i>Salix lasiolepis</i>	Arroyo willow	liners/1 gallon rooted cuttings	13	250
<i>Salvia mellifera</i>	Black sage	4 inch -1 gallon	15	200
<i>Sisyrinchium bellum</i>	Blue-eyed grass	4 inch	12	500
			Total	4 3250

Notes for Upland Coastal Sage Scrub Container Plants:

- Plants will be propagated from material collected from coastal San Diego County (within 25 miles of the coast). Nursery stock may also be used if determined appropriate by the Restoration Specialist.
- Only the Restoration Specialist may approve potential substitutions or quantity adjustments.
- The average container plant spacing is given based on the total plants-per-acre. However, plants will be placed in various configurations to mimic onsite conditions.

TARGET SEED LIST – UPLAND COASTAL SAGE SCRUB

Scientific name	Common name	PLS pounds/acre
<i>Artemisia menziesii</i>	Rancher's fireweed	11
<i>Artemisia douglasiana</i>	Mugwort	0.25
<i>Baccharis salicifolia</i>	San Diego County viguiera	0.25
<i>Encelia californica</i>	California encelia	0.5
<i>Eriogonum fasciculatum</i>	California buckwheat	0.25
<i>Eschscholzia californica</i>	California poppy	1
<i>Hemizonia fasciculata</i>	Tarplant	4
<i>Isocoma menziesii</i>	Coast goldenbush	0.25
<i>Lotus scoparius</i>	Deerweed	0.25
<i>Mimulus aurantiacus</i>	Bush monkeyflower	0
<i>Mimulus guttatus</i>	Common monkeyflower	0.25
<i>Nassella pulchra</i>	Purple needlegrass	1.25
<i>Salvia apiana</i>	White sage	0.25
<i>Salvia mellifera</i>	Black sage	0.25
<i>Sambucus mexicana</i>	Blue elderberry	0.25

Notes for Upland Coastal Sage Scrub Target Seed List:

- PLS = Pure Live Seed = seed purity x germination rate
- Seed will be collected from coastal San Diego County (within 25 miles of the coast).
- Only the Restoration Specialist may approve substitutions and quantity adjustments.

CONTAINER PLANT PALETTE – COAST LIVE OAK RIPARIAN WOODLAND

Scientific Name	Common Name	Container Size	Spacing (feet on center)	Plants per acre
<i>Artemisia californica</i>	California sagebrush	4 inch -1 gallon	17	50
<i>Baccharis salicifolia</i>	Mulleat	liners/1 gallon rooted cuttings	13	250
<i>Eriogonum fasciculatum</i>	California buckwheat	4 inch -1 gallon	24	75
<i>Elymus trichodes</i>	Beardless wild rye	plugs	21	50
<i>Mimulus aurantiacus</i>	Bush monkeyflower	4 inch -1 gallon	21	50
<i>Muhlenbergia rigens</i>	Deergrass	4 inch -1 gallon	21	50
<i>Nassella pulchra</i>	Purple needlegrass	4 inch -1 gallon	21	50
<i>Platanus racemosa</i>	California sycamore	1 gallon	34	38
<i>Populus fremonti</i> ssp. fremontii	Fremont cottonwood	liners/1 gallon rooted cuttings	34	38
<i>Quercus agrifolia</i>	Coast live oak	1 gallon	34	38
<i>Salix gooddingii</i>	Black willow	liners/1 gallon rooted cuttings	13	250
<i>Salix lasiolepis</i>	Arroyo willow	liners/1 gallon rooted cuttings	13	250
<i>Sambucus mexicana</i>	Blue elderberry	4 inch -1 gallon	30	50
			Total	8 1039

Notes for Coast Live Oak Riparian Woodland Container Plants:

- Plants will be propagated from material collected from coastal San Diego County (within 25 miles of the coast). Nursery stock may also be used if determined appropriate by the Restoration Specialist.
- Only the Restoration Specialist may approve potential substitutions or quantity adjustments.
- The average container plant spacing is given based on the total plants-per-acre. However, plants will be placed in various configurations to mimic onsite conditions.

TARGET SEED LIST – COAST LIVE OAK RIPARIAN WOODLAND

Scientific name	Common name	PLS pounds/acre
<i>Artemisia californica</i>	California sagebrush	0.25
<i>Artemisia douglasiana</i>	Mugwort	0.25
<i>Baccharis pilularis</i>	Coyote brush	0.25
<i>Bromus cernuatus</i>	California brome	27
<i>Eriophyllum confertiflorum</i>	Golden yarrow	0.25
<i>Eriogonum fasciculatum</i>	California Buckwheat	0.25
<i>Eschscholzia californica</i>	California poppy	1.25
<i>Hordeum californicum</i>	California barley	1.25
<i>Isocoma menziesii</i>	Coast goldenbush	0.25
<i>Mimulus aurantiacus</i>	Bush monkeyflower	0.25
<i>Mimulus guttatus</i>	Common monkeyflower	0.25
<i>Muhlenbergia rigens</i>	Deergrass	0.25
<i>Nassella pulchra</i>	Purple needlegrass	5
<i>Sambucus mexicana</i>	Blue elderberry	0.25

Notes for Coast Live Oak Riparian Woodland Target Seed List:

- PLS = Pure Live Seed = seed purity x germination rate
- Seed will be collected from coastal San Diego County (within 25 miles of the coast).
- Only the Restoration Specialist may approve substitutions and quantity adjustments.

General Notes:

- This plan provides specifications for native riparian and upland habitat restoration and enhancement along the San Diego River corridor proposed as part of the Town & Country Project. The plan incorporates requirements of the Development Permit (SDP #A00602) which was issued to abate previous code violations committed by a previous owner and the associated Conceptual Mitigation Plan for the Town and County Hotel Interim Parking Lot Expansion Project (RCOCC 2012). The plan expands upon existing requirements of SDP #A00602 and in some cases makes minor modifications to the restoration and enhancement goals of certain areas along the river. These changes reflect a more holistic approach to restoration and enhancement within the site. Restoration and enhancement strategies required by SDP #A00602 will be met despite these minor modifications. Requirements of SDP #A00602 are depicted on Attachment A. The proposed restoration and enhancement plan described herein is depicted on Attachment B.
- Existing requirements to abate previous code violations consist of the following (refer to Attachment A):
 - Total area requiring restoration and enhancement per SDP #A00602 is 2.76 acres:
 - Restore 0.61 acre that was impacted by the temporary fill from a illegal parking lot expansion. This restoration work will not count toward the mitigation requirement. Work in this area will generally consist of installation of container plants, seeding, and maintenance and monitoring.
 - Restore 0.64 acre of riparian habitat on the south side of the San Diego River to meet the 1:1 mitigation requirement. Work in this area will generally consist of removal of exotic species (e.g. eucalyptus), protection of existing native species, installation of container plants, seeding, and maintenance and monitoring.
 - Enhance 1.28 acres of riparian habitat along the San Diego River to meet the 2:1 mitigation requirement. Enhancement opportunities include removal of non-native plant species and revegetation with native plant species similar to adjacent areas along the San Diego River channel.
 - Plant a 30-foot average (0.23 ac) coastal sage scrub buffer zone.
- Proposed restoration and enhancement of the current redevelopment plan consist of the following (refer to Attachment B):
 - Total area proposed for restoration and enhancement by the Project is 7.50 acres:
 - Restore 1.46 acres of southern cottonwood-willow riparian forest in existing degraded areas. Work will generally consist of removal of exotic species (e.g. eucalyptus), protection of existing native species, installation of container plants, seeding, and maintenance and monitoring.
 - Enhance 3.53 acres of existing native cottonwood-willow riparian forest. Enhancement opportunities include removal of non-native plant species and revegetation with native plant species similar to adjacent areas along the San Diego River channel.
 - Restore 1.74 acres of coastal live oak riparian woodland in existing degraded areas. Work will generally consist of removing exotic trees, installing oak riparian woodland or riparian forest plant species, and implementing maintenance and monitoring.
 - Restore 0.77 acre of coastal sage scrub in existing disturbed areas. Work will generally consist of removing exotic species, installing coastal sage scrub plant species, and implementing maintenance and monitoring.
 - Proposed restoration and enhancement exceeds existing requirements by approximately 4.74 acres (i.e., of the 7.50 acres of total restoration/enhancement proposed by the Project, 2.76 acres are required by SDP #A00602 and 4.74 acres are proposed in addition to SDP requirements).
 - Maintain and monitor all enhancement and restoration areas for 5 years.
- An as-built plan will be submitted to the City of San Diego within 90 days following completion of implementation, describing preparation including details of site preparation, container plantings/seeding, any significant problems encountered or necessary changes made in the field, and photographs of the restoration activities and the site after it is planted and seeded.
- The Upland restoration only will be implemented after the installation and Maintenance Contractor and Monitoring Biologist to implement this plan. The Restoration Specialist will have a minimum of two years of experience in upland riparian habitat restoration, understand upland and riparian plant communities, and have expertise in upland and riparian plant and wildlife identification and ecology. The Monitoring Biologist may be the Restoration Specialist or a biologist with a minimum of two years of experience in upland and riparian habitat restoration monitoring.
- Split-rail fencing will be located at the border of all restoration and enhancement areas to prevent intrusion into the river corridor. Signs will be attached to the fence that describe the area as a habitat restoration site, state that trespassers will be liable for any damage caused, and list the project contact.
- The following table provides the general schedule for implementation, maintenance, and monitoring:

SCHEDULE OF IMPLEMENTATION, MAINTENANCE, AND MONITORING			
TASK		SUBTASK SCHEDULE	
Implementation	Seed collection	Harvest at time of seed maturity.	
	Trash removal	Sept 15-Feb.	
	Cleaning and non-native plant removal	Sept 15-Feb 1	
	Erosion control	Sept 15-Feb 1	
	Site Protection	Sept 15-Feb 1	
	Planting	Nov 1-Feb 1	
Maintenance	Weed Control	Monthly during the wet season - Nov-Apr and quarterly during the dry season (May-Oct) or as-needed to prevent weeds from setting seed.	
	Remedial Planting and Seeding	Nov 1-Feb 1 as needed.	
	Ingrator	As needed, remove during year 3.	
	Trash removal	Quarterly or as needed.	
Monitoring	Site Protection	Quarterly or as needed.	
	Qualitative Monitoring	120-day establishment period - bi-monthly Year 1 - monthly Year 2 through end of monitoring - quarterly	
	Quantitative Monitoring	Annually, starting year 2.	
	Will begin immediately following construction and continue through the maintenance and monitoring period. The maintenance and monitoring period will be up to 5 years for the Mitigation Area and up to 3 years for Additional Restoration and Enhancement Areas.		

Site Preparation Notes:

- Prior to planting and seeding, all weeds, trash and debris will be removed from restoration area.
- The Installation and Maintenance Contractor will install and maintain appropriate erosion control materials (e.g. straw wattles).
- The target non-native weed species for removal include giant reed (*Arundo donax*), salt cedar (*Tamarix* spp.), pepper tree (*Schinus* spp.), nasturtium (*Tropaeolum majus*), and any other perennial or annual invasive weed species that appears on the California Invasive Plant Council (CALIPC) list of invasive plants.
- Large non-native trees, such as pepperwittles, will be completely removed from the site while the stumps may be left in place to decompose. Several treatments may be necessary to effectively kill unwanted plants and deplete the seed bank.
- Removal of non-native trees and shrubs will be completed outside the bird breeding season (March 15 to September 15).
- Herbicide application will be overseen by a licensed Pest Control Advisor and applied by a Certified Pest Control Applicator.

Irrigation Notes:

- The Installation and Maintenance Contractor will provide water to the restoration site sufficient to achieve success standards, and in keeping with the recommended schedule. The Owner provide the Installation and Maintenance Contractor with potential point-of-connection locations, pipe sizes, and water pressures.
- Mitigation sites will be designed to have saturated soils and adequate water under natural seasonal conditions; irrigation will be used only to assure survival of container plantings until root systems are well enough developed to access groundwater in the dry season.
- Supplemental water will be applied by a temporary irrigation system. Master valves, backflow preventers, main lines, zone valves, and controllers must be located outside the MHPA or as near as possible to the edge of the MHPA. These components may be buried if necessary to protect them from damage. Within the MHPA, delivery pipes, heads, and other delivery components must be installed above grade, and removed when no longer needed. The system should be installed over the entire restoration site and be designed to minimize runoff and the creation of rills and gullies.
- Alternative irrigation strategies, such as gravity fed systems, or manual watering from hose bibs or water truck are acceptable if approved by the Owner and the Restoration Ecologist. Performance criteria must be achieved, regardless of irrigation methods.

Container Planting Notes:

- Prior to planting, the Restoration Specialist will confirm the planting limits in the field and flag the boundary.
- The Restoration Specialist will confirm and document with photos that the site is free of actively growing weeds before planting and seeding.
- Specific planting patterns for container plants will mimic those found in adjacent native areas. For example, mullein (*Baccharis salicifolia*) is more prominent in the outer, drier areas of the riparian corridor where they can tap into the water table during the dry season.
- The Restoration Specialist and Installation and Maintenance Contractor will coordinate the layout for plant material in ecologically appropriate locations and natural groupings. The Restoration Specialist will direct all planting, and may place flags, directly place containers, or direct the installer and Maintenance Contractor on the placement of plants. In general, container plants will be installed in a manner that mimics natural plant distribution (e.g., random arid aggregate distributions rather than uniform rows).
- Plants will be supplied by licensed nursery or equivalent source acceptable to the Restoration Specialist.
- Plants will be in healthy condition (disease free) and not root-bound. Plants will be inspected and approved in the field by the Restoration Specialist before their installation. The Installation and Maintenance Contractor will replace rejected plant material at no additional cost to the Owner. Plants will not be installed that are root-bound, stunted, pest-infected, diseased, or unacceptable for other reasons.
- The top 15 inches of soil will be moist (from natural conditions or watering) before plant installation.
- Temporary irrigation will be installed prior to or in conjunction with the container plantings so that all container plants are watered immediately after installation.

Seeding Notes:

- The riparian restoration sites will be seeded with locally-collected native species. Seed may be applied by hand seeding and raking into the soil to a depth of approximately 1/2 inch to ensure good seeds to soil contact. Hand seeding allows for the most precise seed application.
- Hydroseeding with a Bonded Fiber Matrix (BFM) is acceptable if additional erosion control protection is needed.

Enhancement Notes:

- Enhancement will include removal of target non-native species (Cal-IPC list) and replacement with native species as necessary within the entire enhancement area.
- Enhancement areas will undergo trash removal and non-native species removal procedures described above under site preparation.
- Replacement plant species will be determined at the discretion of the Restoration Specialist and may include container plants and/or seed mixes.
- General maintenance measures discussed below, including weed control, maintenance of replacement plants, and trash removal will apply to enhancement areas.

Maintenance Program:

- The maintenance program will include weed control, replanting and reseeding, site protection (building and maintaining fences or other), debris removal, and other tasks as required for the site to grow and achieve the success criteria.
- Maintenance measures will be conducted by maintenance personnel who are experienced in caring for native plant communities.
- Exotic species will be removed by hand, mechanical weed cutters, or herbicide applications by maintenance workers familiar with and trained to distinguish weeds from native species. During the first and second years, weeding will be performed as needed to keep weeds from producing seeds and to control weed competition during the establishment period of native plants. Weeds will be killed or removed before seed sets.
- The tolerance of aggressive non-native perennial species such as giant reed and pampas grass will be zero percent throughout the maintenance and monitoring period.
- Pruning of native vegetation or removal of deadwood and leaf litter will not be allowed in the restoration areas, unless the area is within a fuel management zone and brush control is required by fire department regulations.
- Watering will occur on an as-needed basis during the first two years, or longer, until the plants have become well established. Water use is expected to be highest during the first growing season, tapering off gradually until no supplemental water is necessary.
- The Installation and Maintenance Contractor will maintain the irrigation systems in proper working order and will monitor the irrigation program to make adjustments when needed. Irrigation should be checked on a bi-weekly basis to ensure all broken sprinkler heads and major repair issues are identified and addressed in a timely manner.
- Trash will be removed from the site by hand on a quarterly basis, or as necessary. Within the context of restoration, trash consists of all man-made materials, equipment, or debris left within the restoration areas that are not serving a function related to restoration.
- The restoration area will be replanted or reseeded with appropriate species or species that did not produce adequate seed during the first year, if necessary. This process will be repeated every year as needed to increase species diversity and cover and to improve long-term plant community stability. Additional seeds will be hand broadcast early in the rainy season (October to December).
- Plants which may have died will be replaced with appropriate container sized plants. Slow-growing species that were not prepared in time for the initial planting will be planted from containers only if natural recruitment is not occurring at a rate to replace these individuals.

Monitoring Program:

- The Restoration Specialist or Monitoring Biologist will qualitatively and quantitatively monitor all restoration and enhancement areas for 5 years following the installation of the plant materials.
- The 5-year monitoring requirement in the mitigation restoration areas may be reduced before the end of the fifth year for areas that meet the fifth year criteria and the irrigation has been terminated for the last two years.
- Annual reports summarizing the monitoring results will be submitted to the City of San Diego per permit conditions by the Restoration Specialist within two months of the end of each monitoring year. The quantitative monitoring section will include project methods, data summary analysis, comparison to performance standards discussion, reporting remedial actions, recommendations, and photo-documentation. Each annual report will compare findings of the current year with those in previous years.
- Reference sites will be selected by the Restoration Specialist or Monitoring Biologist. Reference sites will contain existing natural undisturbed plant communities of the same community type being restored. A minimum of three transects will be sampled per habitat type to determine plant species composition, diversity, density, and percent cover.
- Qualitative monitoring will include evaluation of the following:
 - Overall site conditions
 - Potential issues, including vandalism, irrigation problems, and invasive plant encroachment.
 - Container plant survival and vigor.
 - Rate of natural recruitment.
- Quantitative monitoring will be performed to measure development of vegetation in the restoration areas and to document that the restoration areas achieve the success criteria as defined by the performance standards. Beginning in Year 2, permanent vegetation sampling stations will be established within the restoration area to measure year-to-year changes in shrub or tree cover, density, and diversity following the protocol of the California Native Plant Society (CNPS) Plant Communities Project sampling method based on a 50-meter point transect centered on a 5x50-meter plot. Vegetation sampling will include the following:
 - Vegetation will be sampled by the point method at 0.5-meter intervals along the 50-meter transect to determine cover.
 - The sampler will note the species encountered and classify its growth form (i.e., herb, shrub, or tree) at each interval. In addition, each shrub-sized individual of each perennial species growing in the 5x50-meter plot will be counted to determine shrub density and diversity. All annuals present in the 5x50-meter plot will be noted.
 - Sampling will be conducted in the spring within each plant community to be restored so that the maximum species diversity is recorded.
 - At least one plot per three acres will be established in each plant community of a specific restoration area to determine vegetation cover, plant community composition, vegetation density, and plant diversity of each area.
 - A photograph will be taken from each sample endpoint (beyond the plot) each time the site is monitored to record the progress of mitigation over the monitoring period.
 - Vegetation sampling data will be compared to baseline data collected at reference sites in nearby native plant communities. Results will objectively demonstrate if the restoration areas approach the community characteristics of the reference habitat.

Performance Standards:

- The restoration and enhancement effort will be considered successful when the performance standards have been met. If the minimum levels for any one of the measurements described below are not achieved in any year, the Restoration Specialist will implement remedial actions, such as replanting container stock, to reach the following year's performance standards.
- The restored habitat must sustain itself for a minimum of two years in the absence of significant maintenance measures. Significant maintenance measures include replanting or seeding, eradication of major weed infestations, irrigation, and erosion repairs.
- Other maintenance measures (such as minor weed control) may continue until the end of the monitoring period.
- To be successful, the restoration and enhancement areas will achieve the following general standards:
 - The site will be free of aggressive non-native perennial species throughout the maintenance and monitoring period.
 - The site will sustain itself with minimal maintenance and no irrigation for two growing seasons.
 - The cover tolerance of weeds and non-native annual grasses, as identified by the Restoration Specialist, will be no more than 5 percent of the total cover.
 - Restoration area performance standards described below for achieving a percentage of cover, diversity (species composition), and species dominance similar to mature habitats will be based on reference area values for southern cottonwood-willow riparian and coastal sage scrub habitats. Coast live oak woodland restoration areas will likely still be in a transitional stage at the conclusion of the 5 year monitoring period, and therefore, will not be comparable to mature coast live oak woodland reference areas.

SOUTHERN COTTONWOOD-WILLOW RIPARIAN FIVE-YEAR PERFORMANCE STANDARDS				
Year	Container Plant Survival (%) ^{1,2}	Total Native Plant Cover (%)	Density (%) of reference area)	Diversity (%) of reference area)
1	80	50	50	60
2	100	60	60	70
3	100	60	60	70
4	100	70	70	70
5	100	80	80	70

¹ Survival percentage for years 2-5 applies to number of container plants that survived in the previous year.² Natural recruitment may be considered when evaluating container plant survival.

COASTAL SAGE SCRUB FIVE-YEAR PERFORMANCE STANDARDS				
Year	Container Plant Survival (%) ^{1,2}	Total Native Plant Cover (%)	Density (%) of reference area)	Diversity (%) of reference area)
1	80	50	50	60
2	100	60	60	70
3	100	60	60	70
4	100	60	70	80
5	100	70	80	80

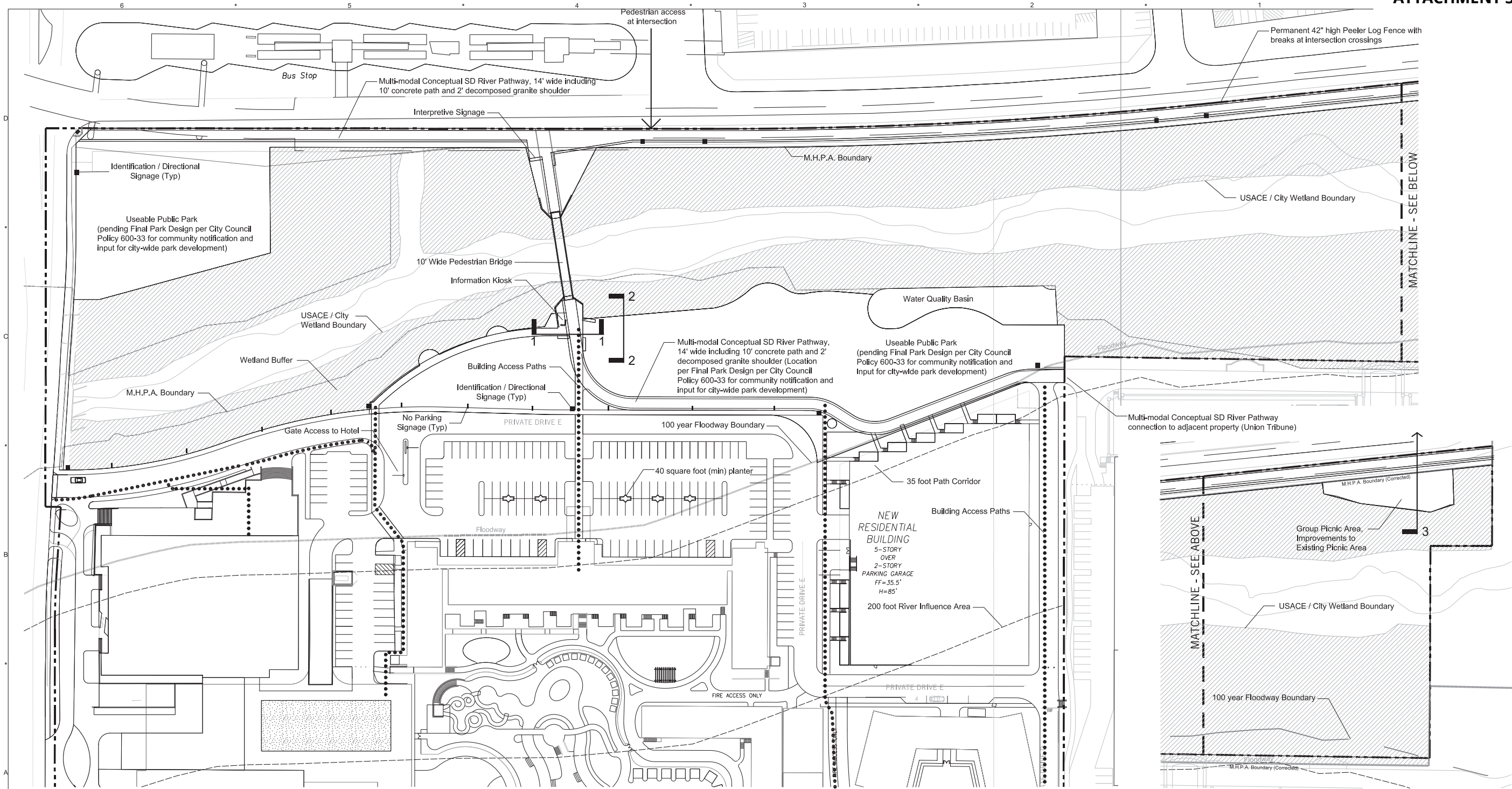
¹ Survival percentage for years 2-5 applies to number of container plants that survived in the previous year.² Natural recruitment may be considered when evaluating container plant survival.

COAST LIVE OAK RIPARIAN WOODLAND FIVE-YEAR PERFORMANCE STANDARDS				
Year	Container Plant Survival (%) ^{1,2}	Total Native Plant Cover (%)	Height Standards for Quercus agrifolia ³	
1	80/90	30	—	—
2	100/100	40	30	—
3	100/100	40	30	3 feet
4	100/100	50	40	4 feet
5	100/100	60	50	5 feet

¹ Survival percentage for years 2-5 applies to number of container plants that survived in the previous year.² Natural recruitment may be considered when evaluating container plant survival.³ Height standards are general guidelines. Overall health and growth of trees will be considered.

Remedial Program:

- If the restoration on the project site does not meet the standards established above, the Restoration Specialist will develop remedial measures, probably to include reseeding or replanting certain areas.
- After remedial measures have been implemented, maintenance and monitoring will be conducted according to the steps in this plan until the restoration site meets the performance standards.
- If the weed cover tolerance is exceeded, additional weed control will be proposed. This may include additional site visits for weed control; a change in weed control methods; or other remedial measures. These remedial measures will be determined by the Restoration Specialist.
- The Owner will be responsible for reasonably funding the contingency procedures necessary for completion of the mitigation process as determined by the City of San Diego.



Notes:

1. The San Diego River Park Master Plan defines the River Corridor Area to include the 100-Year Floodway and the 35' wide Path Corridor abutting the Floodway limits on both sides of the river. The River Influence Area is defined as the 200' zone beyond the River Corridor Area. Due to existing site constraints and the location of the Floodway limits (totally off-site and running through Fashion Valley Mall on the north side of the river), the Town and Country Master Plan proposes the conceptual alignment of the San Diego River Pathway to be located within 100-Year Floodway but outside the MHPA and Wetland Buffer habitat areas. This will facilitate the connection to off-site proposed River Pathway segments. Also located within the Floodway is the proposed park, and a water quality basin to provide compatible uses adjacent to the river habitat area. Additional Master Plan elements remaining within the Floodway are a portion of the existing hotel surface parking (to be reconfigured and improved), and small portions of two existing buildings to remain.
2. The proposed park acreage meets the City's General Plan standard for population-based parks.
3. The finished grade for the useable park-land will not exceed ten percent and is unconstrained by roads, utilities, structures or easements.
4. All improvements shown outside the Master Plan area along Riverwalk Drive are pending an agreement with the City.
5. The River Pathway alignment and park components will be determined through the City Council Policy 600-33 for community notification and input for city-wide park development.
6. Site Furniture - (A) Site Furniture, such as picnic table(s), trash and recycling receptacles, bicycle racks, shade structures, benches, interpretive signs, and drinking fountains, shall be designed and constructed in accordance with the San Diego River Park Master Plan Design Guidelines as implemented by the Mission Valley Planned Development Ordinance (MVPDO) and the Town & Country Master Plan. (B) Site furniture shall incorporate the San Diego River Park logo as illustrated in the San Diego River Park Master Plan Design Guidelines. (C) Lots that do not have picnic areas or

- overlooks shall include along the River Pathway a minimum of one piece of site furniture for every 200 linear feet of River Pathway.
7. Trash and Recycling Receptacles: Locate in close proximity to picnic areas, overlooks, seating areas, path intersections and access points to the river and must be accessible to maintenance vehicles. Receptacles should contain hood covers to prevent rummaging by animals. Trash and recycling receptacles should be located side-by-side.
 8. Fencing along the MHPA (required per the Town and Country Mitigation Plan) can be removed when mitigation is accepted and sufficient vegetation has been established to prevent trespassing as acceptable to the City Manager.
 9. 42" height Peeler log fencing will be installed at the edge of, or outside the Habitat Area.
 10. Lighting. All lighting within 100 feet of the River Corridor Area shall be shielded and directed away from the River Corridor Area.
 11. Creative elements such as leaf or animal imprints appropriate to each reach may be included in the San Diego River Pathway paving material.
 12. Information Kiosk to be the standard design approved by the City of San Diego Park and Recreation Department with information including:
 - River park map indication precise location of kiosk with the park
 - Detailed local map, depicting precise location of kiosk, location of parking areas, shade shelters, drinking fountains, interpretive and scenic overlook areas, and all other kiosk location in either direction, with associated distances shown in miles
 - Emergency contact numbers
 - River Park logo
 - Any other pertinent information, such as seasonal fire warnings, community events that focus on the river, etc.

13. Interpretive Signs will be constructed of durable panels on galvanized metal posts with information including:
 - Geography and Geology
 - Cultural and Historical Resources
 - Ecology
 - Restoration
 - Native plant and Wildlife
 - Historic Water Resources
 - River Park logo
14. Identification/Directional Signs (will be located at all points of access and decision, including intersections and street crossings that are connected to the River Corridor Area) will be mounted at 7 feet above the finish grade on galvanized metal posts or combined with other required sign or light posts. Information will include the River Park logo and name of the open space as well as directional information.
15. No-Parking Signs shall be placed every 100 feet facing traffic at a height of 7 feet
16. Post sign at the entrance to Private Drive E and Riverwalk Drive with an approved sign. Sign shall read "NO PARKING FIRE LANE" in letters of 1" or greater in height.
17. Building facades that front the River Corridor Area or building facades that front a street that abuts and runs parallel to the River Corridor Area shall provide building transparency in accordance with the following:
 - a. The amount of transparency, measured as the visible light transmittance (VLT), shall be at least 0.65

- b. Commercial and Mixed Use Zones.
 - (i) A minimum of 50 percent of the total facade shall be transparent; and
 - (ii) A minimum of 70 percent of the ground floor shall be transparent.
- c. Industrial Zones. A minimum of 25 percent of the total facade shall be transparent.
18. Building Reflectivity. Building facades that front the River Corridor Area shall not include materials with a visible light reflectivity (VLR) factor greater than 10 percent.
19. The new Pedestrian / Bicycle only Bridge (at location of the existing bridge) will be 10'-0" wide (min.) and designed and installed to conform to the San Diego River Park Master Plan, Section 4.3.2.7 Bridges - page 101 (as implemented by the MVPDO).
20. Where it will not conflict with the requirements of the habitat protection and enhancement, plant material will be composed to provide views to the river at least 50 percent of the river side of the River Pathway. On the river side of the River Pathway and within 10 feet of the non-river side of the River Pathway: (i) Trees shall have a canopy clearance of 8 feet above the finished grade of the River Pathway and (ii) all other plant materials shall not exceed 30 inches above the finished grade of the River Pathway.
21. Provide permanent 42-inch height peeler log fence along Riverwalk Drive as part of off-site improvements to be provided pending an agreement with the City.
22. Any improvements within the floodway will not impact floodplain per Hydrology and Hydraulics Study. Improvements will be permanently anchored to resist forces of floodwater.



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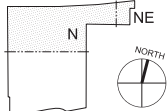
CLIENT

**Hotel Circle
Property, LLC**
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PROJECT

Town & Country
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KEY PLAN

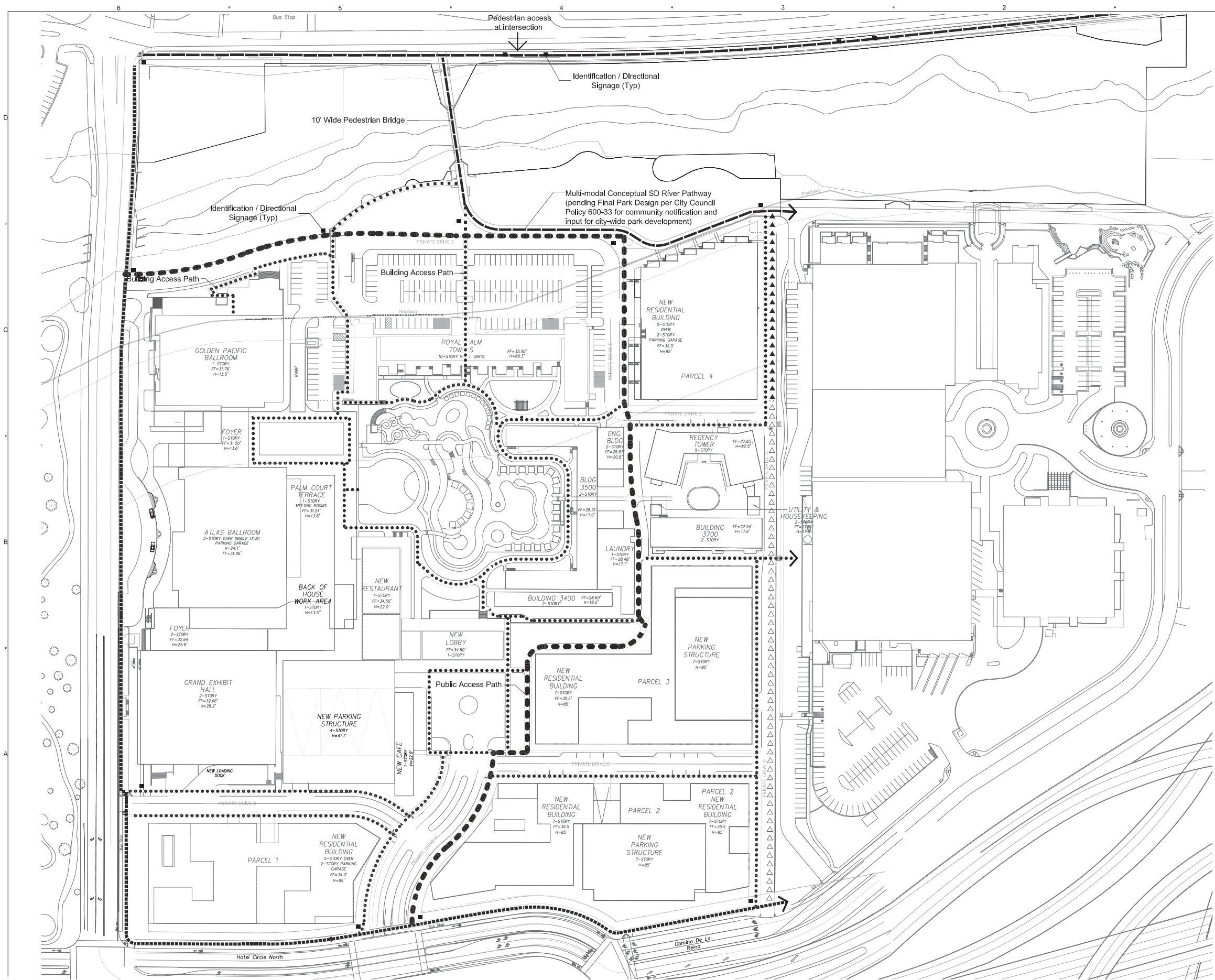


SHEET NUMBER 24 OF 40

LP-06A

SHEET TITLE
**SDRP - River Corridor and
River Influence Areas**

Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER 60329917	
ISSUE	CITY PROJECT No. 424475
Aug 2016	MR RESUBMITTAL
July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
Jan 2016	MR RESUBMITTAL
Sept 2015	MR RESUBMITTAL
03.24.15	MR SUBMITTAL



Symbol	Description
	Conceptual Alignment of San Diego River Pathway (Multi-Use)
	Public Access Corridor (Pedestrian Only) Refer to VTM for Easement Information
	Plan Area Edge Sidewalk
	Public Walkways (Pedestrian Only)
	Park Trails
	Class I Public Access Bikeway
	Class III Public Access Bikeway

Notes

1. River Pathway alignment depicted is conceptual. Population- based parks are designed through a community design, review and approval process consistent with Council Policy 600-33.



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858.882.0760
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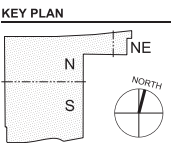
CONSULTANTS
CIVIL / SURVEY
Fuscoe Engineering
6380 Greenwood Dr., Suite 170
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858.597.0335 fax
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TECHNICAL SERVICES, INC.
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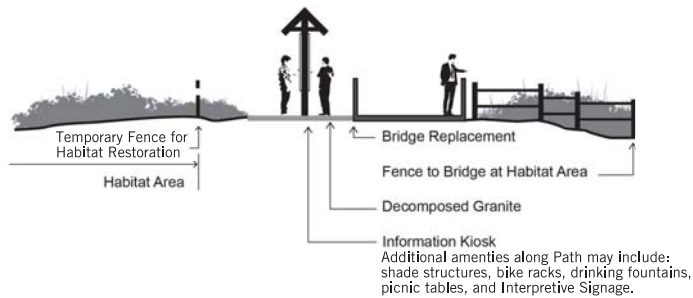
CLIENT
**Hotel Circle
Property, LLC**
500 Hotel Circle North
San Diego, CA 92108

PROJECT
Town & Country
500 Hotel Circle North
San Diego, CA 92108

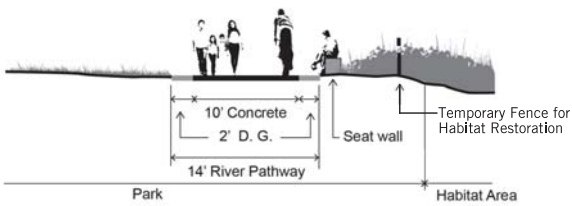


SHEET NUMBER 24 OF 40
LP-06B
SHEET TITLE
SDRP - Access Plan

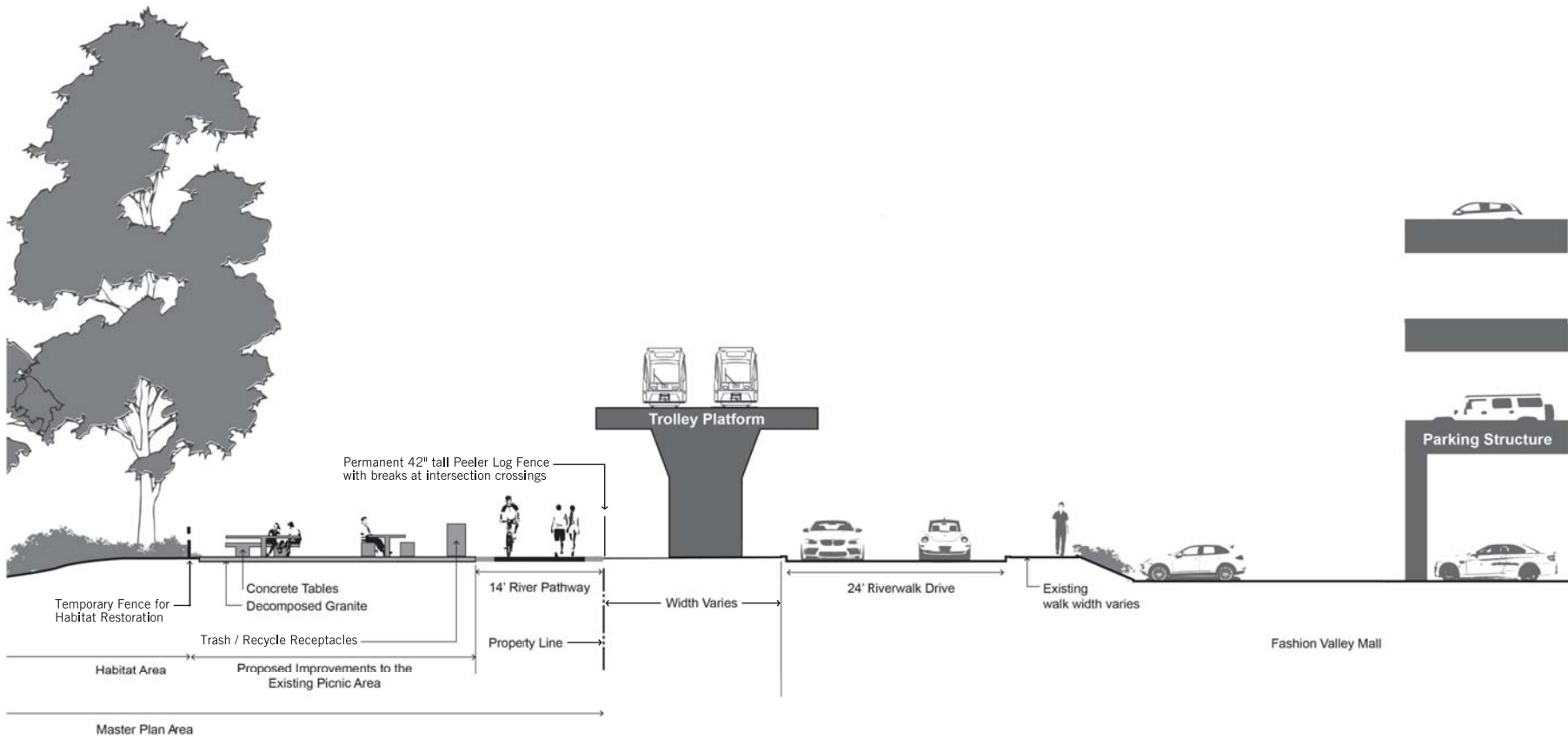
Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER 60329917	
ISSUE	CITY PROJECT No. 424475
Aug 2016	MR RESUBMITTAL
July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
Jan 2016	MR RESUBMITTAL
Sept 2015	MR RESUBMITTAL
03.24.15	MR SUBMITTAL



Section 1 - Conceptual Amenities Along the River Pathway
(pending Final Park Design per City Council Policy 600-33 for community notification and input for city-wide park development)



Section 2 - River Pathway



Section 3 - Conceptual Improvements to the Existing Picnic Area along the River Pathway adjacent to Riverwalk Drive
(pending Final Park Design per City Council Policy 600-33 for community notification and input for city-wide park development)

Note - Refer to Sheet LP-06A for section locations

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P.O. Box 9496
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858 882 0760
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www.changconsultants.com

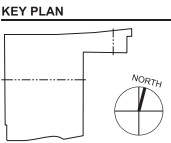
CIVIL / SURVEY
Fusco Engineering
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AECOM
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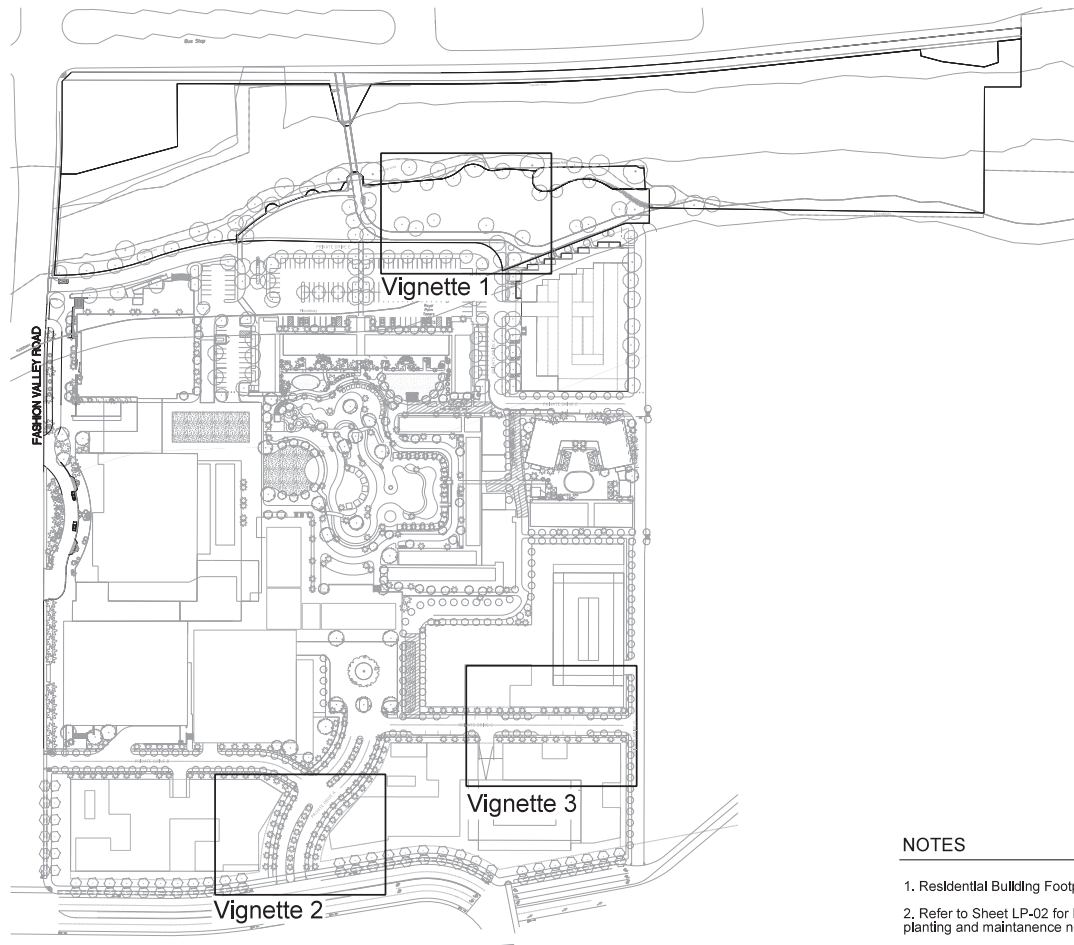
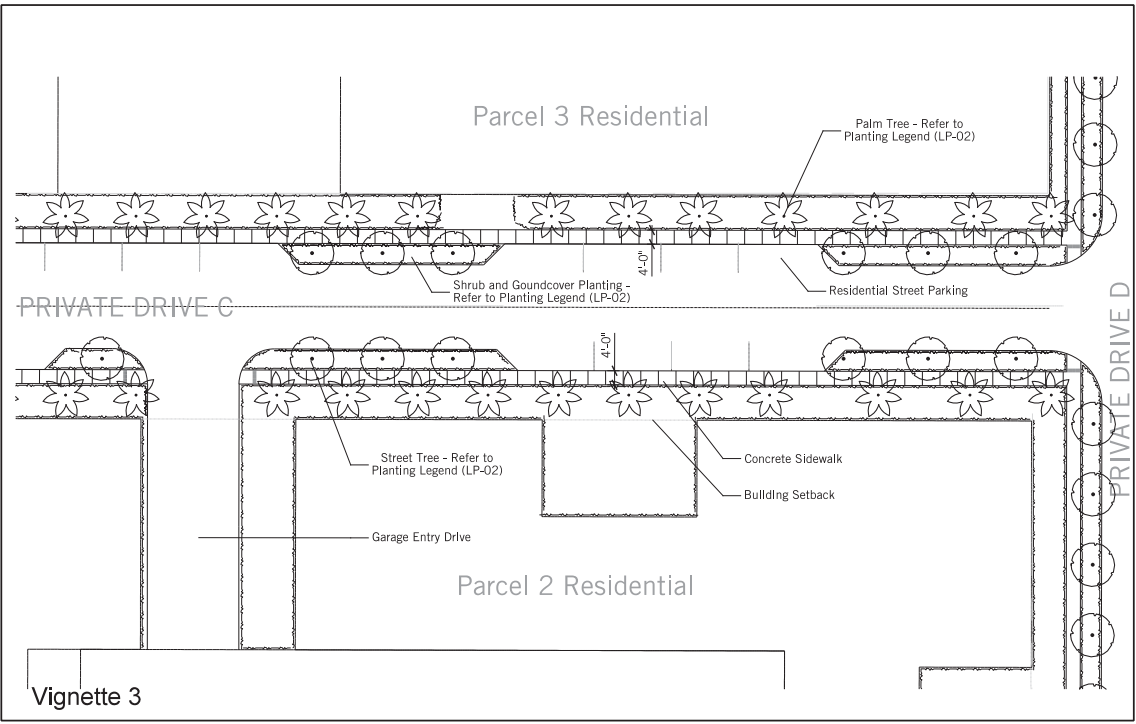
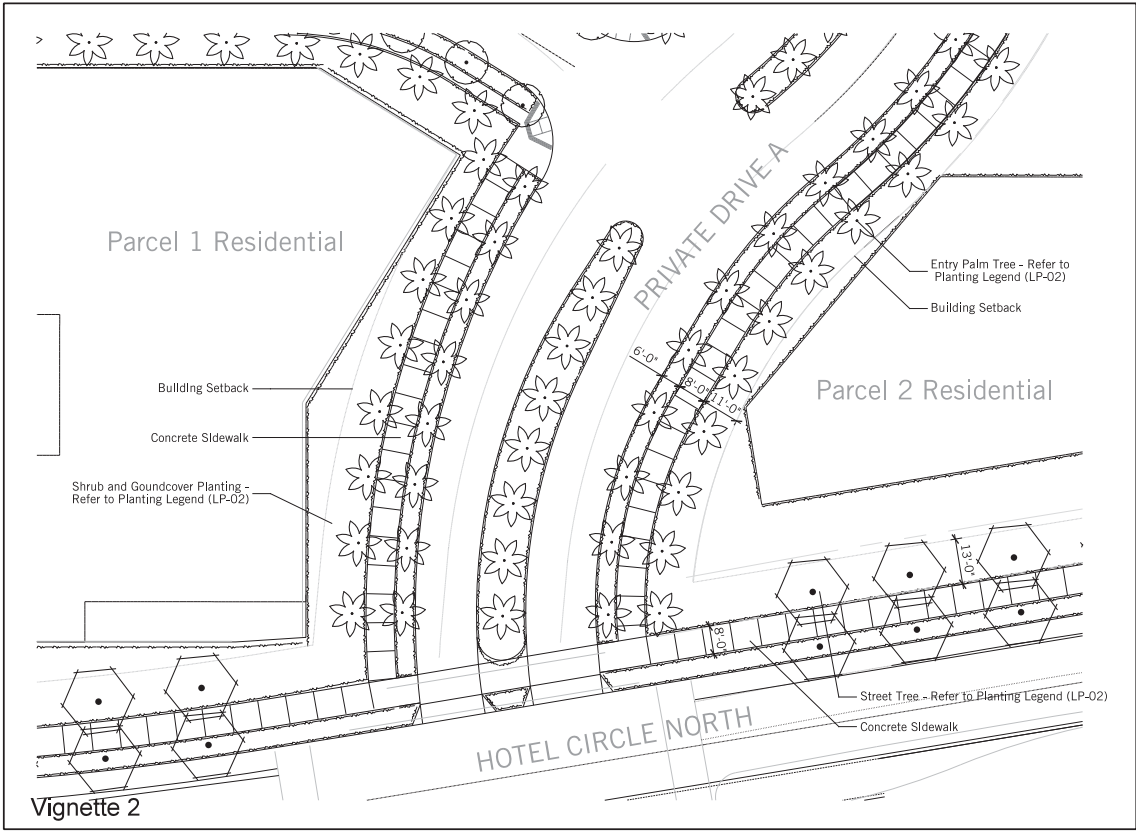
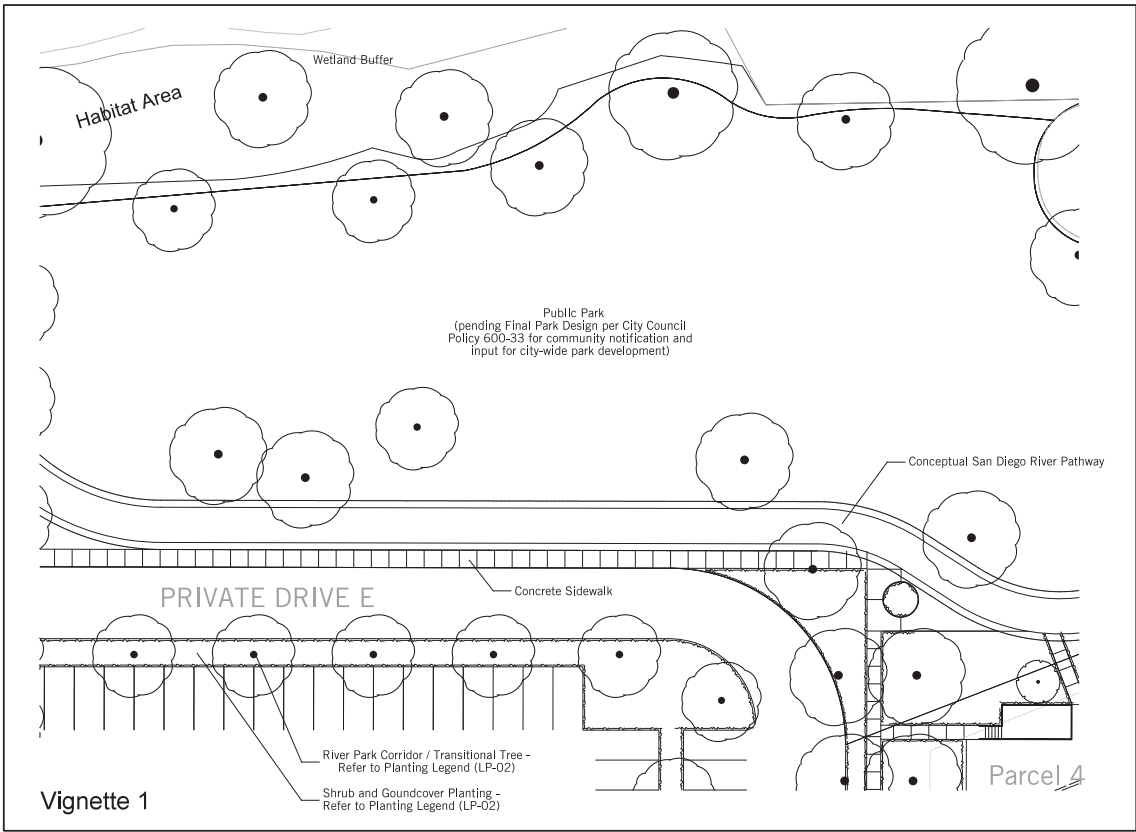
CLIENT
Hotel Circle
Property, LLC
500 Hotel Circle North
San Diego, CA 92108

PROJECT
Town & Country
500 Hotel Circle North
San Diego, CA 92108



SHEET NUMBER 25 OF 40
LP-07
SHEET TITLE
SDRP - River Park
Landscape Sections

Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER 60329917	
ISSUE	CITY PROJECT No. 424475
Aug 2016	MIR RESUBMITTAL
July 2016	MIR RESUBMITTAL
May 2016	MIR RESUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
03/24/15	MIR SUBMITTAL



NOTES

1. Residential Building Footprint for illustrative purposes only.
2. Refer to Sheet LP-02 for Landscape Legend and additional planting and maintenance notes

CONSULTANTS

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TRAFFIC
Linacott, Law &
Greenspan Engineers
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858 932 1402
www.changconsultants.com

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619 610 7601 fax
www.fuscoe.com

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PLANNER

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TECHNICAL SERVICES, INC.
515 S. Flower Street, 8th Floor
Los Angeles, CA 90071
213 593 8100 tel
213 593 8608 fax
www.aecom.com

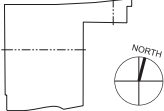
CLIENT

**Hotel Circle
Property, LLC**
500 Hotel Circle North
San Diego, CA 92108

PROJECT

Town & Country
500 Hotel Circle North
San Diego, CA 92108

KEY PLAN

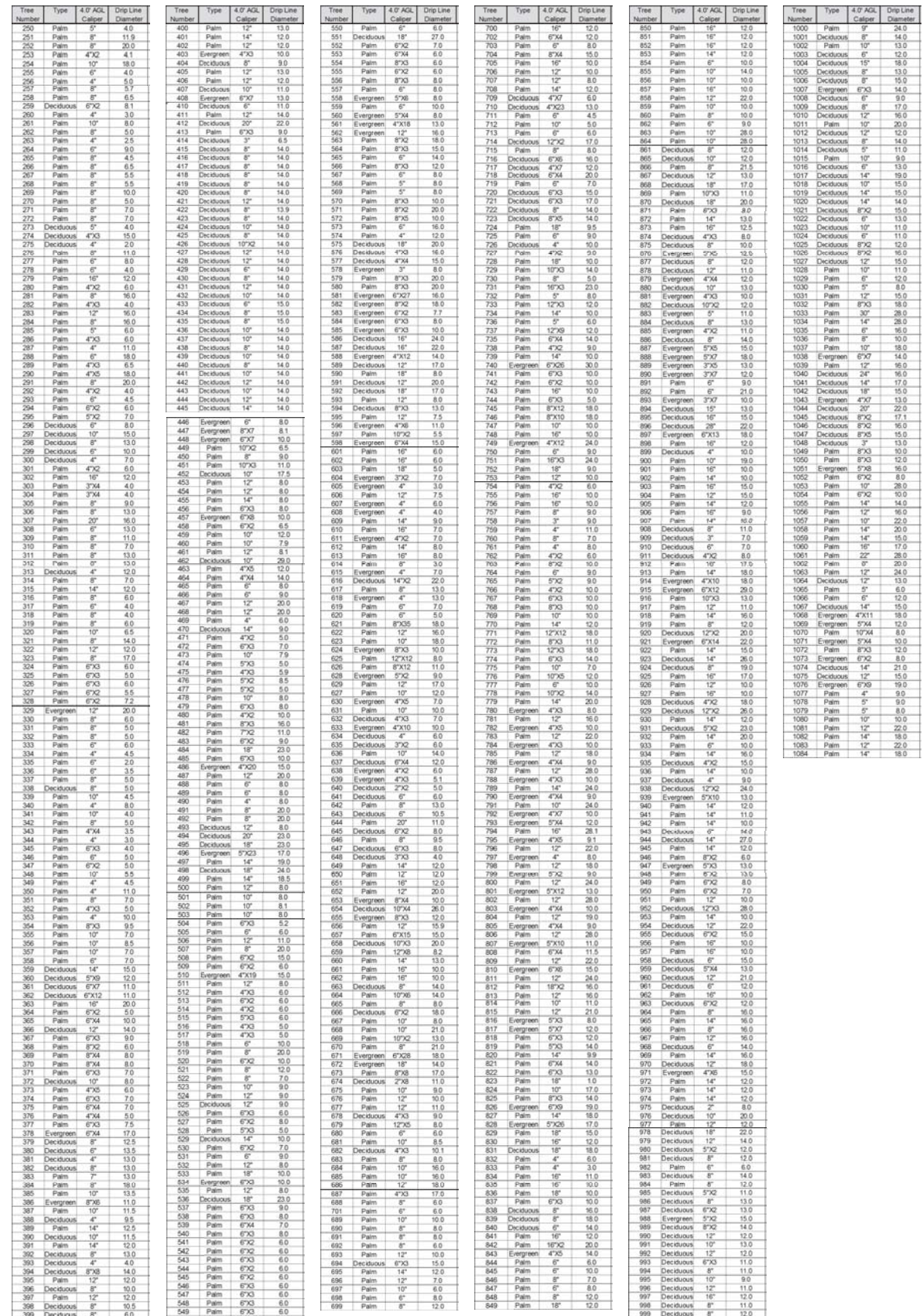


SHEET NUMBER **26 OF 40**

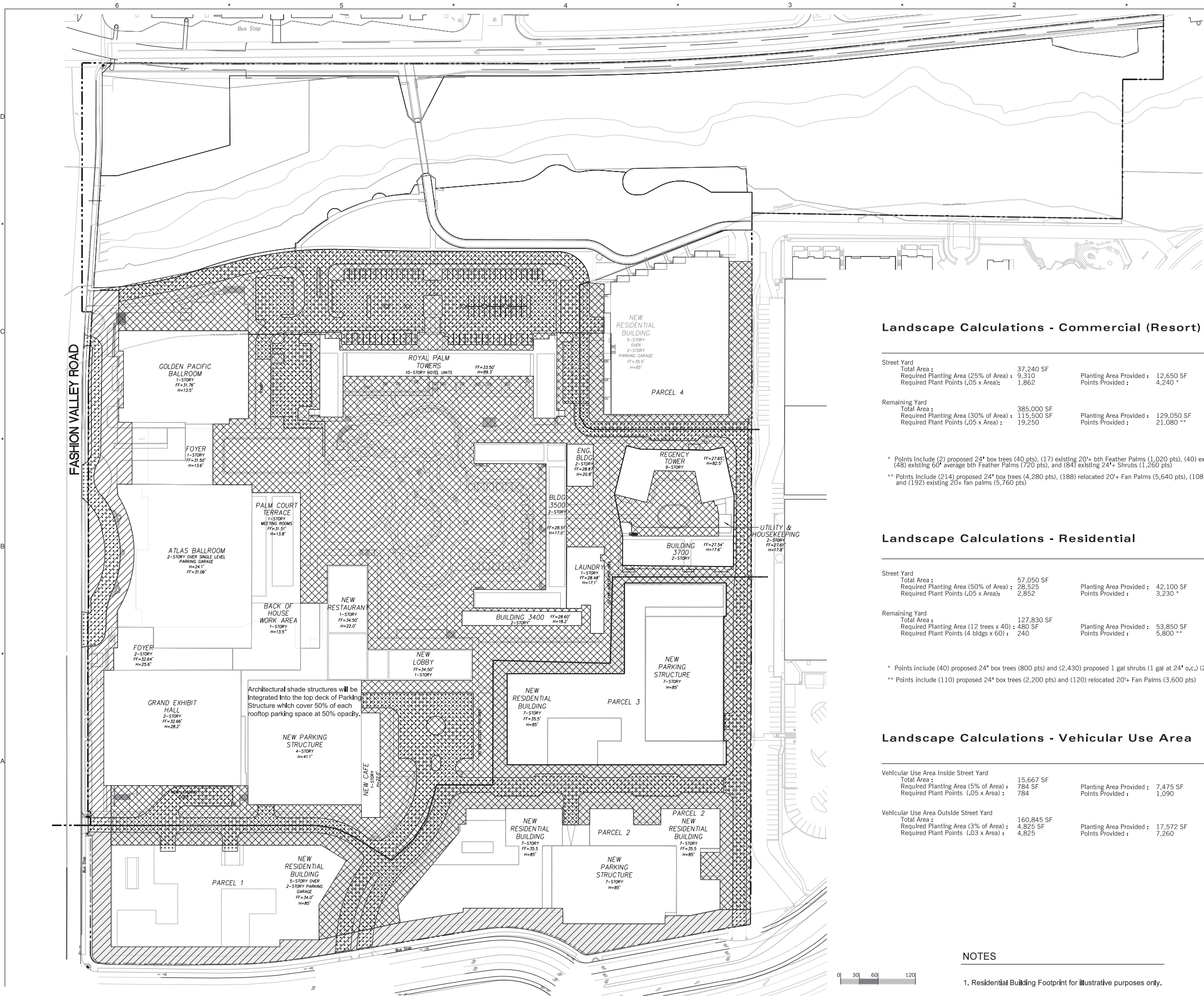
LP-08

SHEET TITLE
Landscape Vignettes

Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER	60329917
ISSUE	CITY PROJECT No. 424475
Aug 2016	MIR RESUBMITTAL
July 2016	MIR RESUBMITTAL
May 2016	MIR RESUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
03.24.15	MIR SUBMITTAL



Surveyed trees are to either remain in place and protected or relocated to somewhere else on property during construction.



Landscape Calculations - Commercial (Resort)

Street Yard					
Total Area :	37,240 SF	Planting Area Provided :	12,650 SF	Excess Area Provided :	3,340 SF
Required Planting Area (25% of Area) :	9,310	Points Provided :	4,240 *	Excess Points Provided :	2,378
Required Plant Points (.05 x Area) :	1,862				
Remaining Yard					
Total Area :	385,000 SF	Planting Area Provided :	129,050 SF	Excess Area Provided :	13,550 SF
Required Planting Area (30% of Area) :	115,500 SF	Points Provided :	21,080 **	Excess Points Provided :	1,830
Required Plant Points (.05 x Area) :	19,250				

* Points Include (2) proposed 24" box trees (40 pts), (17) existing 20"+ bth Feather Palms (1,020 pts), (40) existing 20"+ bth Fan Palms (1,200 pts), (48) existing 60" average bth Feather Palms (720 pts), and (84) existing 24"+ Shrubs (1,260 pts)

** Points Include (214) proposed 24" box trees (4,280 pts), (188) relocated 20"+ Fan Palms (5,640 pts), (108) existing non-native trees (5,400 pts), and (192) existing 20"+ fan palms (5,760 pts)

Landscape Calculations - Residential

Street Yard					
Total Area :	57,050 SF	Planting Area Provided :	42,100 SF	Excess Area Provided :	13,575 SF
Required Planting Area (50% of Area) :	28,525	Points Provided :	3,230 *	Excess Points Provided :	378
Required Plant Points (.05 x Area) :	2,852				
Remaining Yard					
Total Area :	127,830 SF	Planting Area Provided :	53,850 SF	Excess Area Provided :	53,370 SF
Required Planting Area (12 trees x 40) :	480 SF	Points Provided :	5,800 **	Excess Points Provided :	5,560
Required Plant Points (4 bldgs x 60) :	240				

* Points include (40) proposed 24" box trees (800 pts) and (2,430) proposed 1 gal shrubs (1 gal at 24" o.c.) (2,430 pts)

** Points include (110) proposed 24" box trees (2,200 pts) and (120) relocated 20"+ Fan Palms (3,600 pts)

Landscape Calculations - Vehicular Use Area

Vehicular Use Area Inside Street Yard					
Total Area :	15,667 SF	Planting Area Provided :	7,475 SF	Excess Area Provided :	6,691 SF
Required Planting Area (5% of Area) :	784 SF	Points Provided :	1,090	Excess Points Provided :	306
Required Plant Points (.05 x Area) :	784				
Vehicular Use Area Outside Street Yard					
Total Area :	160,845 SF	Planting Area Provided :	17,572 SF	Excess Area Provided :	12,747 SF
Required Planting Area (3% of Area) :	4,825 SF	Points Provided :	7,260	Excess Points Provided :	2,435
Required Plant Points (.03 x Area) :	4,825				

NOTES

1. Residential Building Footprint for illustrative purposes only.

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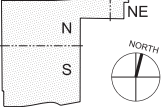
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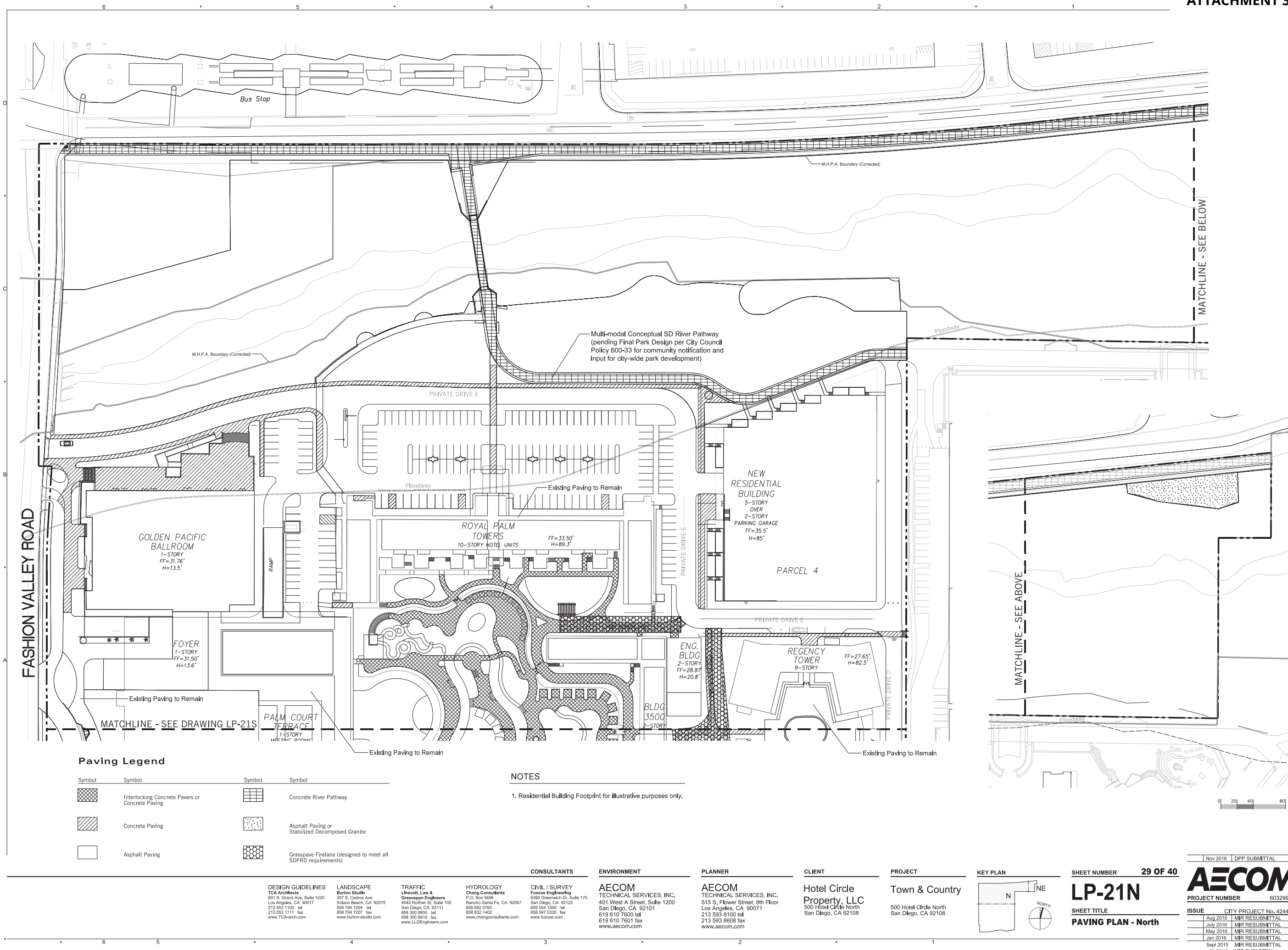
Hotel Circle
Property, LLC
500 Hotel Circle North
San Diego, CA 92108

Town & Country
500 Hotel Circle North
San Diego, CA 92108



SHEET NUMBER 28 OF 40
LP-10
SHEET TITLE
LANDSCAPE CALCULATIONS

Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER 60329917	
ISSUE	CITY PROJECT No. 424475
Aug 2016	MIR RESUBMITTAL
July 2016	MIR RESUBMITTAL
May 2016	MIR RESUBMITTAL
Jan 2016	MIR RESUBMITTAL
Sept 2015	MIR RESUBMITTAL
03.24.15	MIR SUBMITTAL



Paving Legend

Symbol	Symbol	Symbol	Symbol
	Interlocking Concrete Pavers or Concrete Paving		Concrete River Pathway
	Concrete Paving		Asphalt Paving or Stabilized Decomposed Granite
	Asphalt Paving		Grasspave Firelane (designed to meet all SDFRD requirements)

NOTES

1. Residential Building Footprint for illustrative purposes only.

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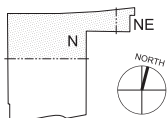
CLIENT

Hotel Circle Property, LLC
500 Hotel Circle North
San Diego, CA 92108

PROJECT

Town & Country
500 Hotel Circle North
San Diego, CA 92108

KEY PLAN



SHEET NUMBER 29 OF 40

LP-21N

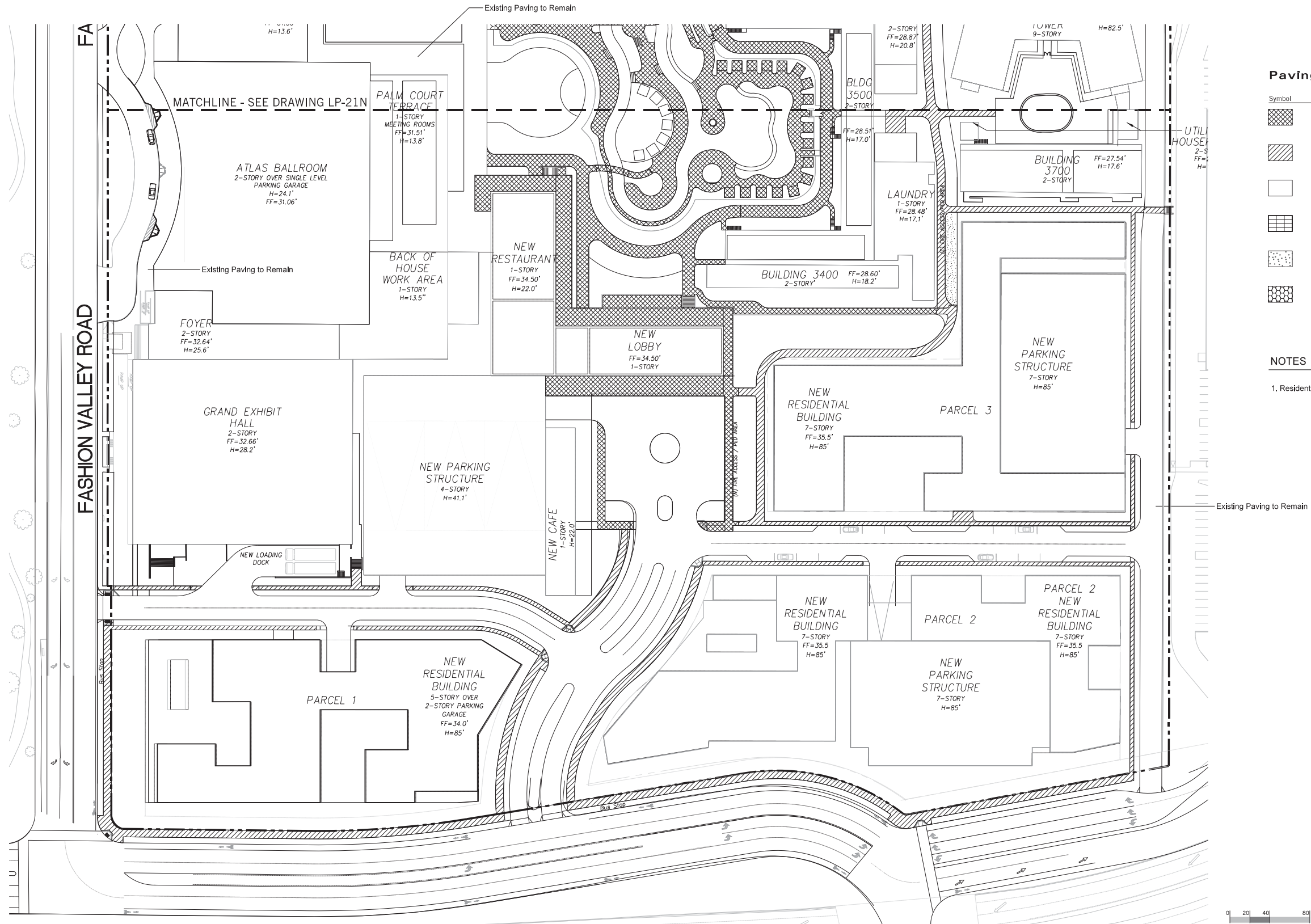
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PAVING PLAN - North

Nov 2016 | DPP SUBMITTAL

AECOM

PROJECT NUMBER 60329917

ISSUE	CITY PROJECT No. 424475
Aug 2016	MR RESUBMITTAL
July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
Jan 2016	MR RESUBMITTAL
Sept 2015	MR RESUBMITTAL
03.24.15	MR SUBMITTAL

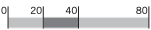


Paving Legend

Symbol	Symbol
	Interlocking Concrete Pavers or Concrete Paving
	Concrete Paving
	Asphalt Paving
	Concrete River Pathway
	Asphalt Paving or Stabilized Decomposed Granite
	Grasspave Firelane (designed to meet all SDFRD requirements)

NOTES

1. Residential Building Footprint for illustrative purposes only



CONSULTANTS

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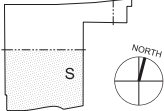
CLIENT

Hotel Circle
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PROJECT

Town & Country
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San Diego, CA 92108

KEY PLAN



SHEET NUMBER 30 OF 40

LP-21S

SHEET TITLE
PAVING PLAN - South

Nov 2016 DPP SUBMITTAL	
AECOM	
PROJECT NUMBER 60329917	
ISSUE	CITY PROJECT No. 424475
Aug 2016	MR RESUBMITTAL
July 2016	MR RESUBMITTAL
May 2016	MR RESUBMITTAL
Jan 2016	MR RESUBMITTAL
Sept 2015	MR RESUBMITTAL
03.24.15	MR SUBMITTAL

VESTING TENTATIVE MAP NO. 1499943
TOWN & COUNTRY
CITY OF SAN DIEGO

CONDOMINIUM STATEMENT

PORTION OF THIS MAP ARE A CONDOMINIUM PROJECT AS DEFINED BY SECTION 4125 OF THE STATE OF CALIFORNIA CIVIL CODES. THE MAXIMUM NUMBER OF RESIDENTIAL CONDOMINIUM UNITS PROPOSED IS 840.

LOT 1: 160
LOT 2: 275
LOT 3: 255
LOT 4: 150

ABBREVIATIONS

AB	AGGREGATE BASE	NO	NUMBER
AC	ASPHALT CONCRETE	NTS	NOT TO SCALE
AD	AREA DRAIN	PA	PLANTING AREA
CB	CATCH BASIN	PED	PEDESTRIAN
CF	CURB FACE	PUB	PUBLIC
CI	CURB INLET	PVT	PRIVATE
CL	CENTERLINE	RW	RECYCLED WATER
CO	CLEANOUT	R/W	RIGHT-OF-WAY
CONC	CONCRETE	STD	STANDARD
C&G	CURB AND GUTTER	SW	SIDEWALK
DWG	DRAWING	TB	THRUST BLOCK
EA	EACH	TBV	TO BE VACATED
EX	EXISTING	TC	TOP OF CURB
FF	FINISH FLOOR	TD	TOP OF DITCH
FL	FLOWLINE	TG	TOP OF GRATE
FS	FINISHED SURFACE	TOE	TOP OF BASIN
FG	FINISHED GRADE	TOE	TOP OF SLOPE
FTG	FOOTING	TS	TOP OF SLOPE
GB	GRADE BREAK	TW	TOP OF WALL
HP	HIGH POINT	TYP	TYPICAL
IE	INVERT ELEVATION		
MAX	MAXIMUM		
MIN	MINIMUM		

TOPOGRAPHY SOURCE

TOPOGRAPHIC INFORMATION SHOWN HEREON IS BY AEROTECH MAPPING PHOTOS DATED MARCH 19TH, 2014.

GRADING QUANTITIES

TOTAL AMOUNT OF SITE TO BE GRADED: 60% OF TOTAL SITE 39.7 AC.
AMOUNT OF CUT: 3,170 CUBIC YARDS
MAXIMUM DEPTH OF CUT: 6 FEET
AMOUNT OF FILL: 133,550 CUBIC YARDS
MAXIMUM DEPTH OF FILL: 10 FEET
MAXIMUM HEIGHT OF FILL SLOPE(S): 8 FEET, 2:1 SLOPE RATIO.
MAXIMUM HEIGHT OF CUT SLOPE(S): 0 FEET 2:1 SLOPE RATIO.
AMOUNT OF IMPORT/EXPORT SOIL: 130,380 CUBIC YARDS.
RETAINING WALLS: TOTAL LENGTH 1,900 FEET
MAXIMUM HEIGHT: 5.5 FEET.

SHEET INDEX

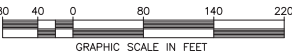
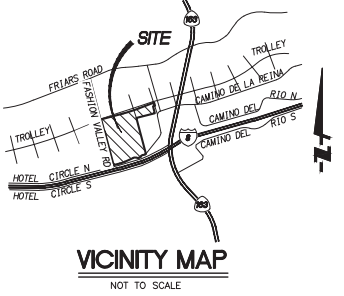
- 31. TITLE SHEET
- 32. EXISTING CONDITIONS
- 33. EXISTING LOTS AND EASEMENTS
- 34. PROPOSED FINAL MAP
- 35. PRELIMINARY GRADING PLAN
- 36. PRELIMINARY GRADING PLAN
- 37. CONCEPTUAL UTILITY PLAN
- 38. CONCEPTUAL UTILITY PLAN
- 39. CROSS SECTIONS
- 40. FIRE ACCESS

REFERENCE DRAWINGS

- RBF UTILITY PLAN DATED JULY 22, 2004 (EXISTING UTILITIES)
- CITY OF SAN DIEGO DWG# 12997 (HOTEL CIRCLE NORTH IMPROVEMENT PLAN)
- CITY OF SAN DIEGO DWG# 13475-1-D (PLANS FOR THE IMPROVEMENT OF HOTEL CIRCLE AND UNNAMED EASEMENTS IN AND ADJOINING TOWN AND COUNTRY HOTEL)
- CITY OF SAN DIEGO DWG# 14411-L (8" AC WATER MAIN)
- CITY OF SAN DIEGO DWG# 16982-1 (CONSTRUCTION OF TRAFFIC SIGNAL AND SAFETY LIGHTING SYSTEMS AT CAMINO DE LA REINA AND HOTEL CIRCLE NORTH)

MAPPING AND MONUMENTATION

ALL PROPERTY CORNERS WILL BE SET AND A FINAL MAP WILL BE FILED PRIOR TO EXPIRATION OF THE TENTATIVE MAP. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP.
EXISTING NUMBER OF PARCELS = 10
PROPOSED NUMBER OF LOTS = 9



VESTING TENTATIVE MAP 1499943 FOR:
TOWN AND COUNTRY
CITY OF SAN DIEGO

OWNER

HOTEL CIRCLE PROPERTY, LLC
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

APPLICANT

LOWE ENTERPRISES
5560 OVERLAND AVENUE, SUITE 210
SAN DIEGO, CA 92123
PH:(858) 565-7287

LEGAL DESCRIPTION

THE BOUNDARY OF THOSE PORTIONS OF LOT 4 OF PARTITION OF PUEBLO LOT 1105 REFEREE'S MAP NO. 1029, TOGETHER WITH THAT PORTION OF LOT 2 MAP 3755, TOGETHER WITH LOT 1 MAP 6274, TOGETHER WITH LOTS 1 AND 2 MAP 5671, DESCRIBED IN DEED RECORDED JUNE 3, 2014 AS DOCUMENT NO. 2014-0226692, OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

TITLE REPORT

PREPARED BY:
CHICAGO TITLE COMPANY
2365 NORTHSIDE DRIVE, SUITE 500
SAN DIEGO, CA 92108
(619) 921-3400
REPORT: 12205385-993-SD2
DATED: JULY 25, 2016

BENCHMARK

FASHION VALLEY ROAD & TOWNE & COUNTRY ELEV. = 30.716 M.S.L. (NGVD29
1970 CITY OF SAN DIEGO ADJUSTMENT)
* EBP @ NORTHERLY CIRCLE DRIVE TO CONVENTION CENTER

ZONING

EXISTING - 11.82 ACRES OF-1-1
27.90 ACRES MHPD-MV-M/SP

PROPOSED - 11.82 ACRES OF-1-1
27.90 ACRES MHPD-MV-M

ENGINEER OF WORK

FUSCOE ENGINEERING INC.
6390 GREENWICH DRIVE, SUITE 170
SAN DIEGO, CA 92122
(858) 554-1500

DECLARATION OF RESPONSIBLE CHARGE

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGES OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS & PROFESSIONS CODE AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF SAN DIEGO AND THE SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR PROJECT DESIGN."



NICHOLAS PSYHOGIOS
RCE 67697
EXPIRES 6-30-17

DATE

UTILITY COMPANIES

WATER: CITY OF SAN DIEGO
SEWER: CITY OF SAN DIEGO
FIRE: CITY OF SAN DIEGO
GAS & ELECTRIC: SD&GE
TELEPHONE: AT&T

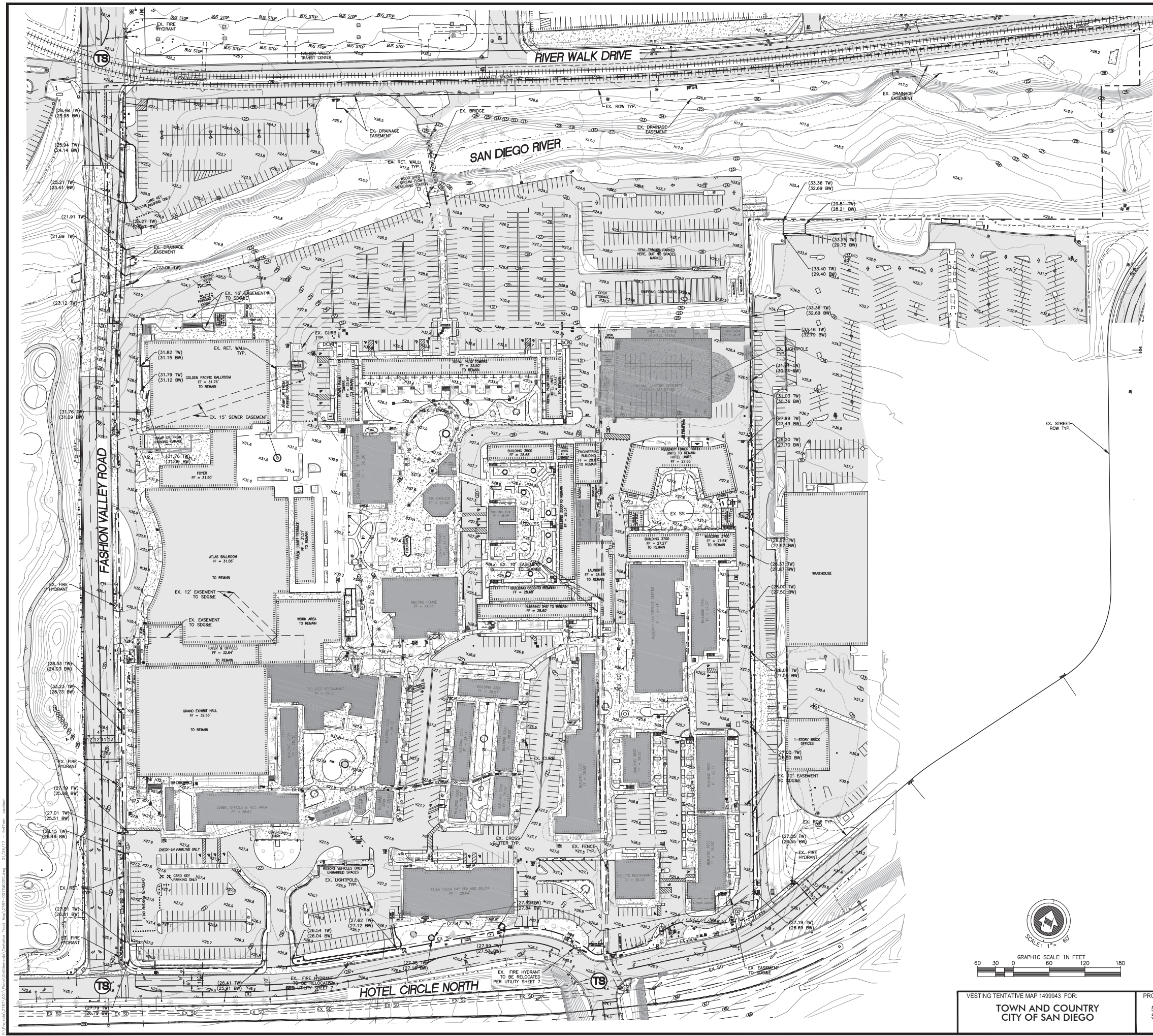
L.O.= 24005875
P.T.S. No. = 424475
CCS3 Coords = 1856-6277
L.C. Coords = 216-1717



FUSCOE
ENGINEERING
6390 Greenwich Drive, Suite 170
San Diego, California 92122
tel 858.554.1500 • fax 858.597.0335
www.fuscoe.com

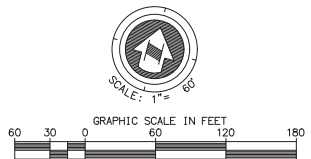
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REVISION 7: _____
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REVISION 4: _____
REVISION 3: _____
REVISION 2: _____
REVISION 1: _____

ORIGINAL DATE: _____



ITEM	SYMBOL
SUBDIVISION BOUNDARY	---
RIGHT-OF WAY	---
LOT LINE	---
EASEMENT	---
EXISTING CONTOUR	---
SPOT ELEVATION	X33.3
EXISTING SIGNALIZED INTERSECTION	TS
EXISTING STREET LIGHT	☼
EXISTING BUILDING TO REMAIN	[Light Gray Box]
EXISTING BUILDING TO BE DEMOLISHED	[Dark Gray Box]
EXISTING AC PAVING	[Stippled Box]
EXISTING CONCRETE PAVING	[Patterned Box]

NOTE:
FOR EASEMENT DETAILS SEE EXISTING LOTS AND EASEMENTS SHEET 33 OF 40.



VESTING TENTATIVE MAP 1499943 FOR:
**TOWN AND COUNTRY
CITY OF SAN DIEGO**

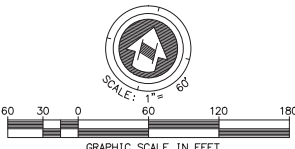
PROJECT ADDRESS:
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108



SHEET No. / TITLE:
EXISTING CONDITIONS
SHEET 32 OF 40

I.O.= 24005875
P.T.S. No. = 424475
CCS3 Coords = 1866-6277
L.C. Coords = 216-1717

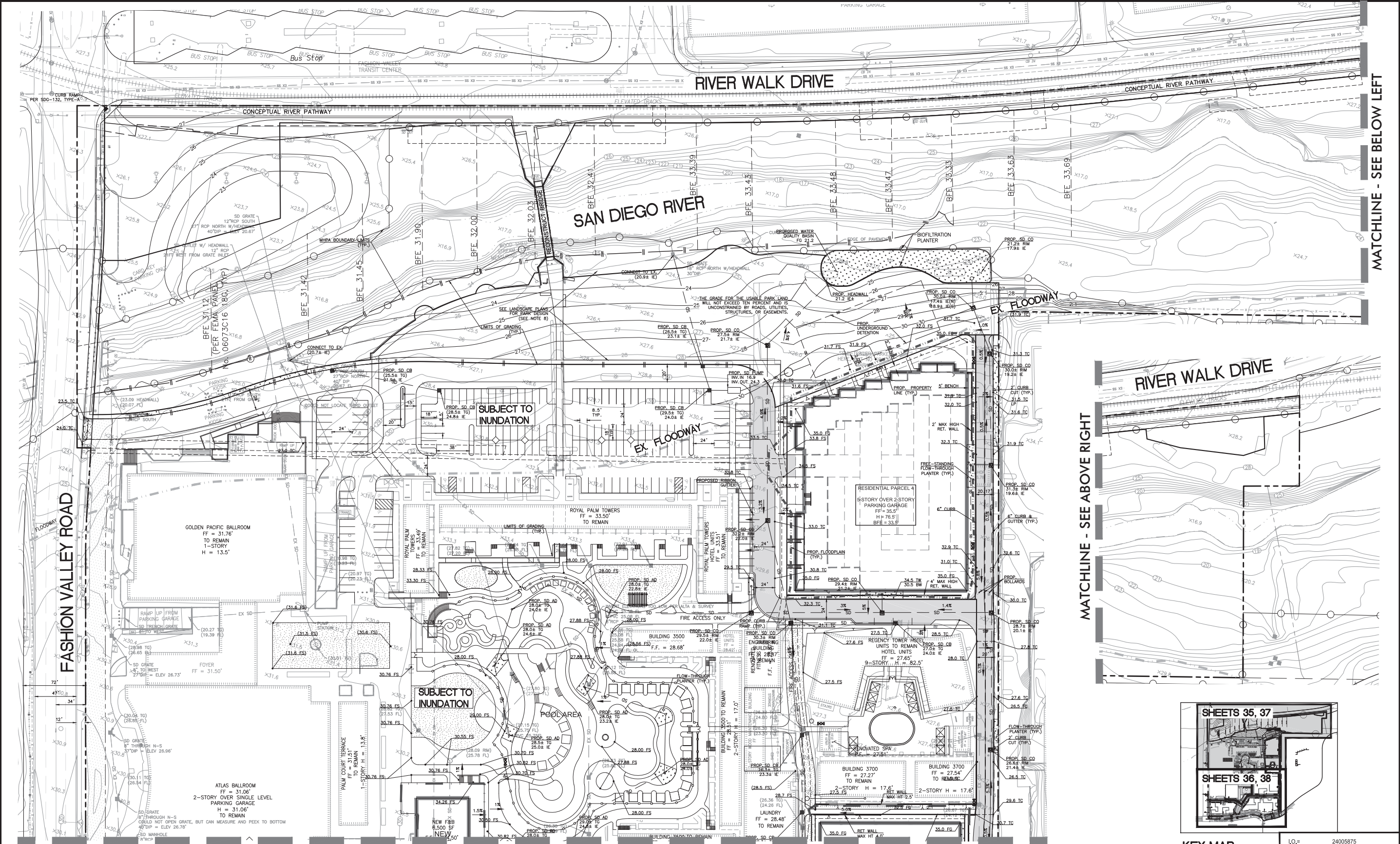
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REVISION 6:	_____
REVISION 5:	_____
REVISION 4:	_____
REVISION 3:	_____
REVISION 2:	_____
REVISION 1:	_____
ORIGINAL DATE:	_____





MATCHLINE - SEE BELOW LEFT

MATCHLINE - SEE ABOVE RIGHT



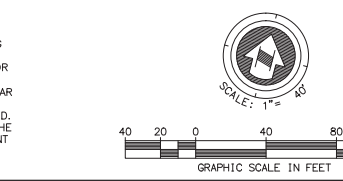
MATCHLINE - SEE SHEET 36

STORM WATER NOTES:

1. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
2. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE 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.
3. DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH ALL STORM WATER CONSTRUCTION REQUIREMENTS OF THE STATE CONSTRUCTION GENERAL PERMIT, ORDER NO. 2009-0009DWO, OR SUBSEQUENT ORDER, AND THE MUNICIPAL STORM WATER PERMIT, ORDER NO. R9-2007-0001, OR SUBSEQUENT ORDER, IN ACCORDANCE WITH ORDER NO. 2009-0009DWO, A RISK LEVEL DETERMINATION SHALL BE CALCULATED FOR THE SITE AND A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE IMPLEMENTED CONCURRENTLY WITH THE COMMENCEMENT OF GRADING ACTIVITIES.
4. BE PRIOR TO THE ISSUANCE OF A GRADING OR CONSTRUCTION PERMIT, A COPY OF THE NOTICE OF INTENT (NOI) WITH A VALID WASTE DISCHARGE ID NUMBER (WDID#) SHALL BE SUBMITTED TO THE CITY OF SAN DIEGO AS A PROOF OF ENROLLMENT UNDER THE CONSTRUCTION GENERAL PERMIT. WHEN OWNERSHIP OF THE ENTIRE SITE OF PORTIONS OF THE SITE CHANGES PRIOR TO FILING OF THE NOTICE OF TERMINATION (NOT), A REVISED NOI SHALL BE SUBMITTED ELECTRONICALLY TO THE STATE WATER RESOURCES BOARD IN ACCORDANCE WITH THE PROVISIONS AS SET FORTH IN SECTION II, C OF ORDER NO. 2009-0009-DWO AND A COPY SHALL BE SUBMITTED TO THE CITY.
5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE WATER QUALITY TECHNICAL REPORT WILL BE SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ENGINEER.
6. UNDER SECTION 401 OF THE CWA, THE RWQCB IMPLEMENTS THE WATER QUALITY CERTIFICATION PROCESS FOR ANY ACTIVITY THAT REQUIRES A FEDERAL PERMIT OR LICENSE AND THAT MAY RESULT IN THE DISCHARGE OF POLLUTANTS INTO WATERS OF THE U.S. THE RWQCB REVIEWS THE PROPOSAL TO DETERMINE WHETHER THE ACTIVITY WOULD COMPLY WITH STATE WATER QUALITY OBJECTIVES AND SUBSEQUENTLY, WILL EITHER ISSUE A CERTIFICATION WITH CONDITIONS OR DENY THE CERTIFICATION. ACCORDING TO THE CWA, WATER QUALITY STANDARDS INCLUDE BENEFICIAL USES, WATER QUALITY OBJECTIVES, AND COMPLYING WITH USER'S ANTI-DEGRADATION POLICY. AN APPLICATION FOR CWA SECTION 401 WATER QUALITY CERTIFICATION WILL BE SUBMITTED TO RWQCB REGION 9 FOR THE PROPOSAL.

FLOODPLAIN NOTES:

1. AREA BELOW PROPOSED FLOOD PLAIN SUBJECT TO INUNDATION.
2. NO CERTIFICATIONS OF OCCUPANCY WILL BE GRANTED OR BONDS RELEASED FOR DEVELOPMENT ASSOCIATED WITH THIS PROJECT UNTIL A LETTER OF MAP REVISION (LOMR) IS OBTAINED FROM FEMA. THE LOMR IS ISSUED BASED UPON AS-BUILT SITE CONDITIONS. THEREFORE THE APPLICANT MUST ALLOW TIME TO COMPLETE THIS PROCESS. THE DEVELOPER MUST PROVIDE ALL DOCUMENTATION, ENGINEERING CALCULATIONS, AND FEES WHICH ARE REQUIRED BY FEMA.
3. NO STRUCTURES EXCEPT THOSE ALLOWED BY SECTION 131.0222 OF THE LAND DEVELOPMENT CODE SHALL BE BUILT WITHIN THE FLOODWAY.
4. THE PROPERTY OWNER SHALL ENTER INTO AN AGREEMENT TO INDEMNIFY, PROTECT AND HOLD HARMLESS CITY, ITS OFFICIALS AND EMPLOYEES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OR ACTION, LIABILITY OR LOSS BECAUSE OF, OR ARISING OUT OF FLOOD WATERS.
5. FILL PLACED IN THE SFHA FOR THE PURPOSE OF CREATING A BUILDING PAD MUST BE COMPACTED TO 95% OF THE MAXIMUM DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST FILL METHOD ISSUED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM STANDARD D-698). GRANULAR FILL SLOPES MUST HAVE ADEQUATE PROTECTION FOR A MINIMUM FLOOD WATER VELOCITY OF FIVE FEET PER SECOND. THE DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH THE CITY WAIVING THE RIGHT TO OPPOSE A SPECIAL ASSESSMENT INITIATED FOR THE CONSTRUCTION OF FLOOD CONTROL FACILITIES AND THEIR PERPETUAL MAINTENANCE.
7. THE DEVELOPER SHALL GRANT A FLOODWAY EASEMENT, SATISFACTORY TO THE CITY ENGINEER, OVER PROPERTY WITHIN THE FLOODWAY.
8. ALL IMPROVEMENTS WITHIN FLOODWAY WILL NOT IMPACT RIVER HYDRAULICS PER APPROVED DRAINAGE STUDY. ALL PERMANENT IMPROVEMENTS SHALL BE ADEQUATELY ANCHORED TO RESIST FLOOD WATERS.

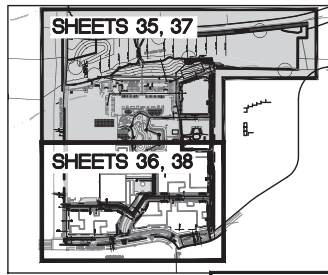


VESTING TENTATIVE MAP 1499943 FOR:
**TOWN AND COUNTRY
CITY OF SAN DIEGO**

PROJECT ADDRESS:
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

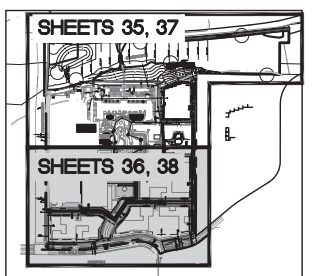
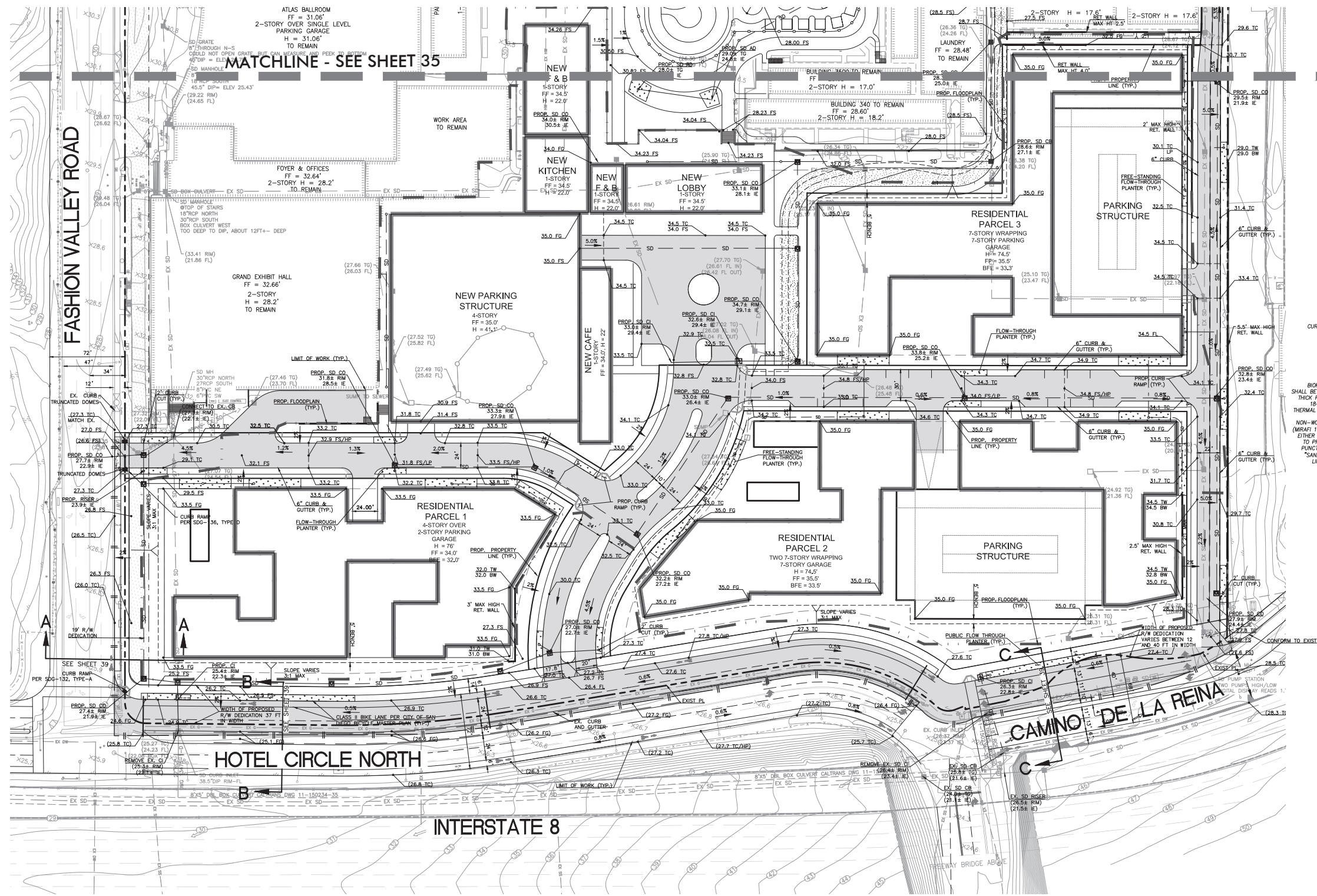
SHEET No. / TITLE:
PRELIMINARY GRADING PLAN
SHEET 35 OF 40

REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
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REVISION 3:	
REVISION 2:	
REVISION 1:	
ORIGINAL DATE:	

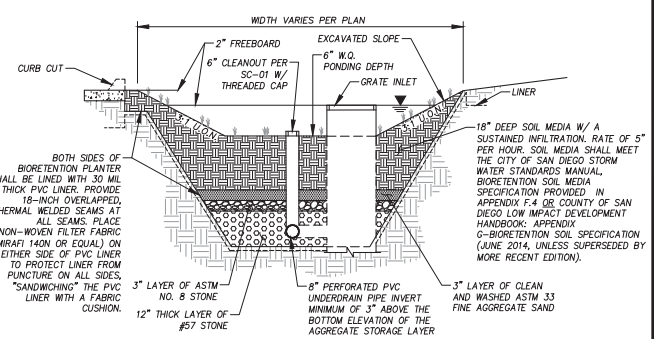


KEY MAP
SCALE: 1" = 500'

L.O. =	24005875
P.T.S. No. =	424475
CSS3 Coords =	1856-6277
L.C. Coords =	216-1717



KEY MAP
SCALE: 1" = 500'



BIOFILTRATION PLANTER DETAIL
NOT TO SCALE

- STORM WATER NOTES:**
1. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
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 3. DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH ALL STORM WATER CONSTRUCTION REQUIREMENTS OF THE STATE CONSTRUCTION GENERAL PERMIT, ORDER NO. 2009-0009DQW, OR SUBSEQUENT ORDER, AND THE MUNICIPAL STORM WATER PERMIT, ORDER NO. R9-2007-0001, OR SUBSEQUENT ORDER, IN ACCORDANCE WITH ORDER NO. 2009-0009DQW, A RISK LEVEL

- DETERMINATION SHALL BE CALCULATED FOR THE SITE AND A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE IMPLEMENTED CONCURRENTLY WITH THE COMMENCEMENT OF GRADING ACTIVITIES.
4. BE PRIOR TO THE ISSUANCE OF A GRADING OR CONSTRUCTION PERMIT, A COPY OF THE NOTICE OF INTENT (NOI) WITH A VALID WATER DISCHARGE ID NUMBER (WDID#) SHALL BE SUBMITTED TO THE CITY OF SAN DIEGO AS A PROOF OF ENROLLMENT UNDER THE CONSTRUCTION GENERAL PERMIT, WHEN OWNERSHIP OF THE ENTIRE SITE OF PORTIONS OF THE SITE CHANGES PRIOR TO FILLING OF THE NOTICE OF TERMINATION (NOT), A REVISED NOI SHALL BE SUBMITTED ELECTRONICALLY TO THE STATE WATER RESOURCES BOARD IN ACCORDANCE WITH THE PROVISIONS AS SET FORTH IN SECTION 11. C OF ORDER NO. 2009-0009DQW AND A COPY SHALL BE SUBMITTED TO THE CITY.
 5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE WATER QUALITY TECHNICAL REPORT WILL BE SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ENGINEER.

6. UNDER SECTION 401 OF THE CWA, THE RWQCB IMPLEMENTS THE WATER QUALITY CERTIFICATION PROCESS FOR ANY ACTIVITY THAT REQUIRES A FEDERAL PERMIT OR LICENSE AND THAT MAY RESULT IN THE DISCHARGE OF POLLUTANTS INTO WATERS OF THE U.S. THE RWQCB REVIEWS THE PROPOSAL TO DETERMINE WHETHER THE ACTIVITY WOULD COMPLY WITH STATE WATER QUALITY OBJECTIVES AND SUBSEQUENTLY, WILL EITHER ISSUE A CERTIFICATION WITH CONDITIONS OR DENY THE CERTIFICATION. ACCORDING TO THE CWA, WATER QUALITY STANDARDS INCLUDE BENEFICIAL USES, WATER QUALITY OBJECTIVES, AND COMPLYING WITH USEPA'S ANTI-DEGRADATION POLICY. AN APPLICATION FOR CWA SECTION 401 WATER QUALITY CERTIFICATION WILL BE SUBMITTED TO RWQCB REGION 9 FOR THE PROPOSAL PROJECT.

- FLOODPLAIN NOTES:**
1. AREA BELOW PROPOSED FLOOD PLAIN SUBJECT TO INUNDATION.
 2. NO CERTIFICATIONS OF OCCUPANCY WILL BE GRANTED OR BONDS RELEASED FOR DEVELOPMENT ASSOCIATED WITH THIS PROJECT UNTIL A LETTER OF MAP REVISION (LOMR) IS OBTAINED FROM FEMA. THE LOMR IS ISSUED BASED UPON AS-BUILT SITE CONDITIONS. THEREFORE THE APPLICANT MUST ALLOW TIME TO COMPLETE THIS PROCESS. THE DEVELOPER MUST PROVIDE ALL DOCUMENTATION, ENGINEERING CALCULATIONS, AND FEES WHICH ARE REQUIRED BY FEMA.
 3. NO STRUCTURES EXCEPT THOSE ALLOWED BY SECTION 131.0222 OF THE LAND DEVELOPMENT CODE SHALL BE BUILT WITHIN THE FLOODWAY.
 4. THE PROPERTY OWNER SHALL ENTER INTO AN AGREEMENT TO INDEMNIFY, PROTECT AND HOLD HARMLESS CITY, ITS OFFICIALS AND EMPLOYEES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OR ACTION, LIABILITY OR LOSS BECAUSE OF, OR ARISING OUT OF FLOOD WATERS.

5. FILL PLACED IN THE SFHA FOR THE PURPOSE OF CREATING A BUILDING PAD MUST BE COMPACTED TO 95% OF THE MAXIMUM DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST FILL METHOD ISSUED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM STANDARD D-698). GRANULAR FILL SLOPES MUST HAVE ADEQUATE PROTECTION FOR A MINIMUM FLOOD WATER VELOCITY OF FIVE FEET PER SECOND.
6. THE DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH THE CITY WAIVING THE RIGHT TO OPPOSE A SPECIAL ASSESSMENT INITIATED FOR THE CONSTRUCTION OF FLOOD CONTROL FACILITIES AND THEIR PERPETUAL MAINTENANCE.
7. THE DEVELOPER SHALL GRANT A FLOWAGE EASEMENT, SATISFACTORY TO THE CITY ENGINEER, OVER PROPERTY WITHIN THE FLOODWAY.
8. ALL IMPROVEMENTS WITHIN FLOODWAY WILL NOT IMPACT RIVER HYDRAULICS PER APPROVED DRAINAGE STUDY. ALL PERMANENT IMPROVEMENTS SHALL BE ADEQUATELY ANCHORED TO RESIST FLOOD WATERS.

GENERAL NOTES:

1. PROPOSED ROADWAY IMPROVEMENTS PER TRAFFIC IMPACT ANALYSIS APPENDIX _____

VESTING TENTATIVE MAP 1499943 FOR:
**TOWN AND COUNTRY
CITY OF SAN DIEGO**

PROJECT ADDRESS:
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

SHEET No. / TITLE:
PRELIMINARY GRADING PLAN
SHEET 36 OF 40

REVISION 10: _____
REVISION 9: _____
REVISION 8: _____
REVISION 7: _____
REVISION 6: _____
REVISION 5: _____
REVISION 4: _____
REVISION 3: _____
REVISION 2: _____
REVISION 1: _____

ORIGINAL DATE: _____

L.O.# = 24005875
P.T.S. No. = 424475
CCS3 Coord = 1856-6277
L.C. Coord = 216-1717

REGISTERED PROFESSIONAL ENGINEER
No. RCE 67897
Exp. 6-30-17
Civil
STATE OF CALIFORNIA

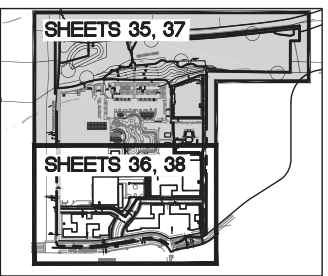
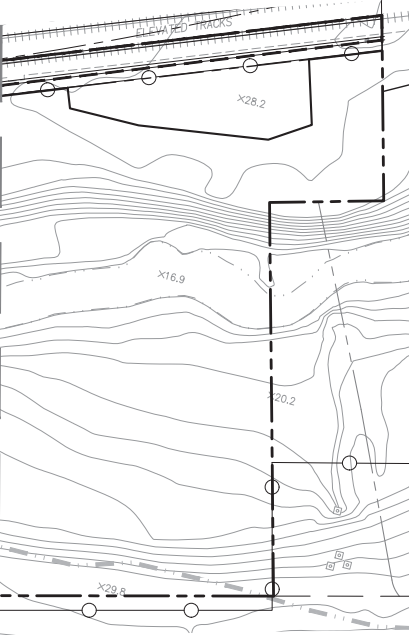
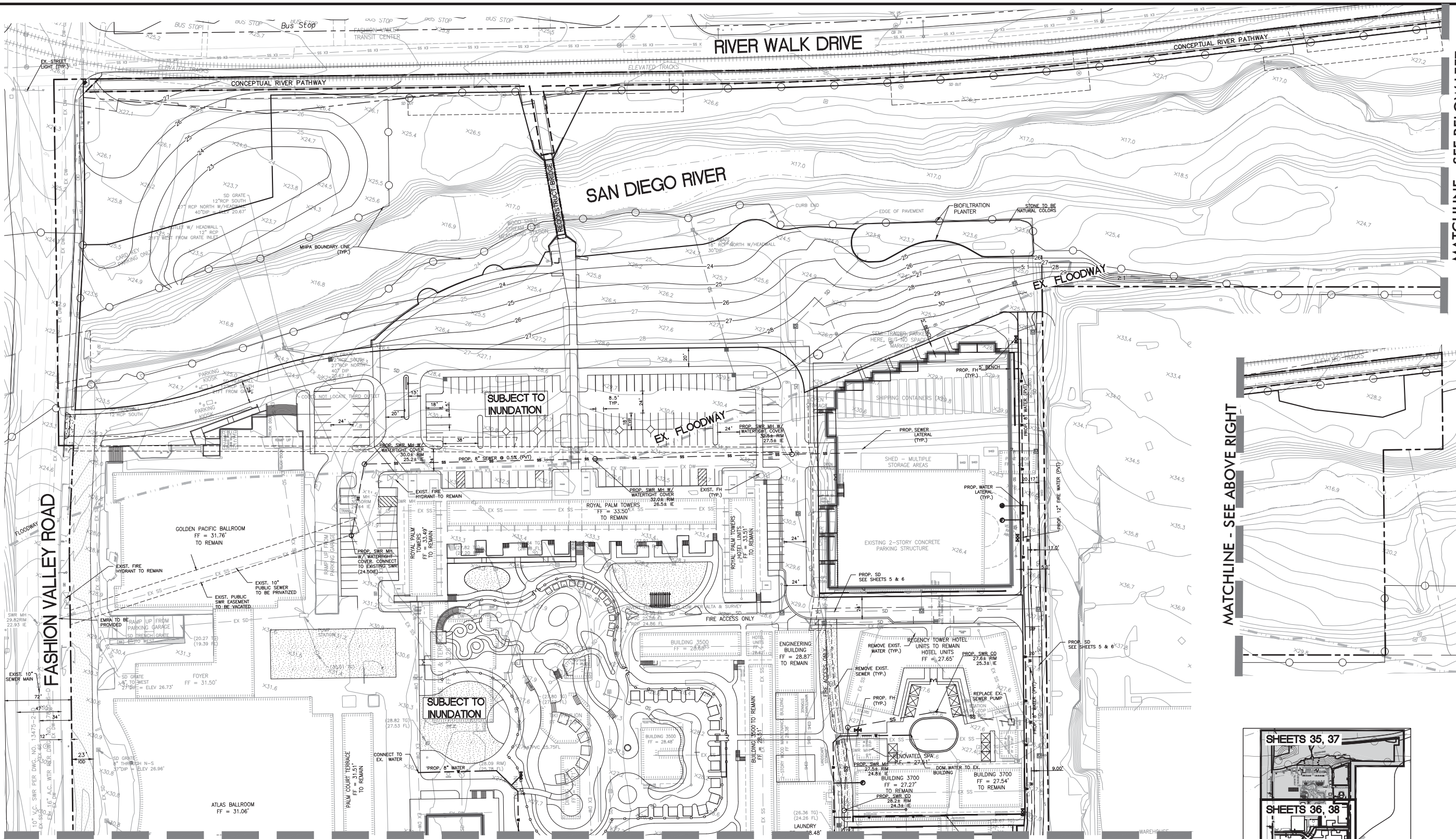
**FUSCOE
ENGINEERS**
6390 Greenwich Drive, Suite 170
San Diego, California 92122
tel 619 554-1500 • fax 619 597-0335
www.fuscoec.com

GRAPHIC SCALE IN FEET
40 20 0 20 40 80 120

MATCHLINE - SEE BELOW LEFT

MATCHLINE - SEE ABOVE RIGHT

MATCHLINE - SEE SHEET 38



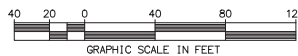
KEY MAP
SCALE: 1" = 500'

L.O. = 24005875
P.T.S. No. = 424475
CCS3 Coords = 1856-6277
L.C. Coords = 216-1717



REVISION 10: _____
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ORIGINAL DATE: _____

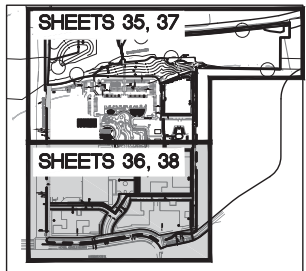


VESTING TENTATIVE MAP 1499943 FOR:
**TOWN AND COUNTRY
CITY OF SAN DIEGO**

PROJECT ADDRESS:
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

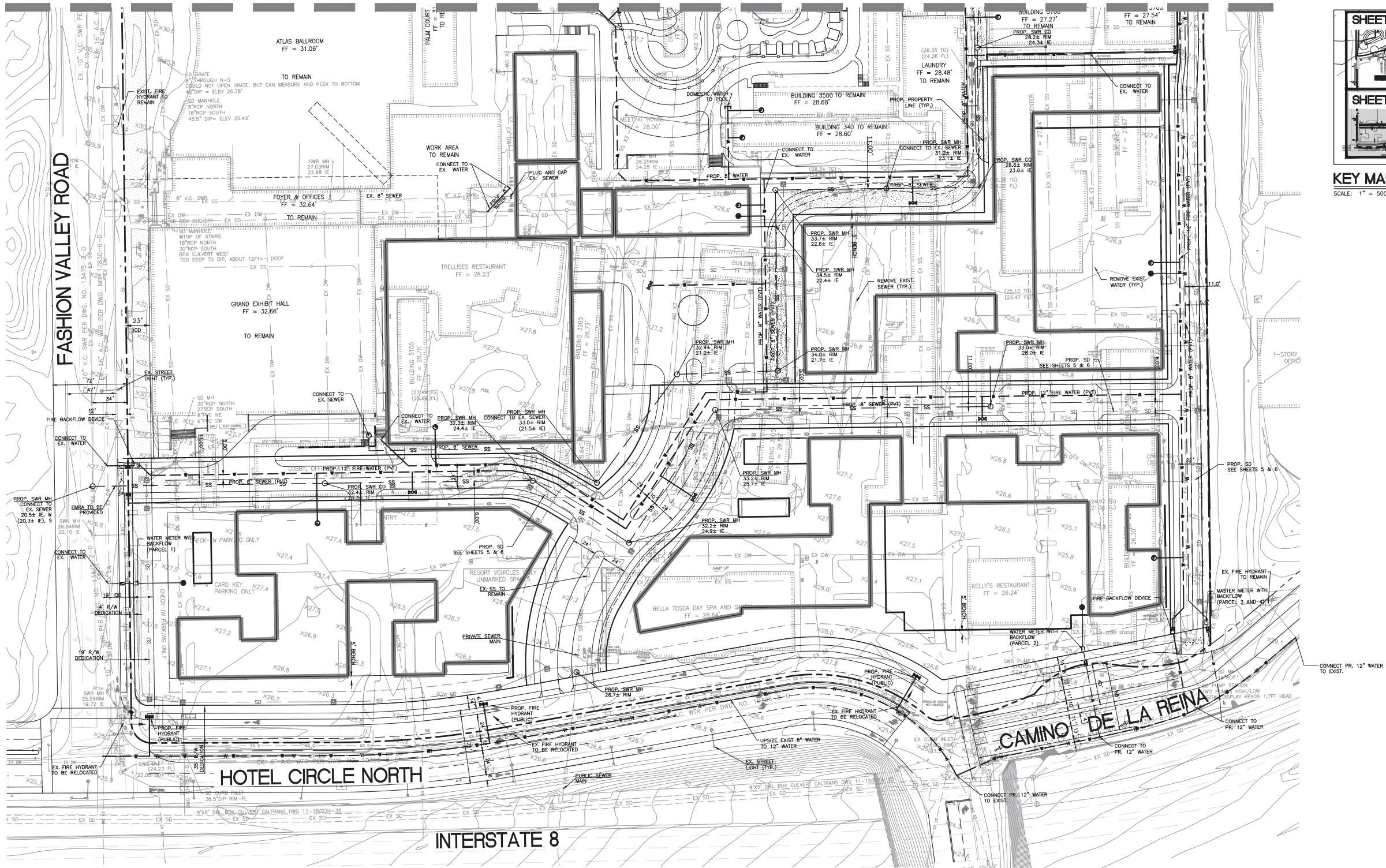
SHEET No. / TITLE:
UTILITY PLAN
SHEET 37 OF 40

MATCHLINE - SEE SHEET 37

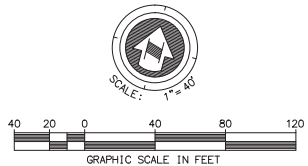


KEY MAP

SCALE: 1" = 500'



L.O. = 24005875
P.T.S. No. = 424475
CCS3 Coords = 1856-6277
L.C. Coords = 216-1717



REVISION 10: _____
REVISION 9: _____
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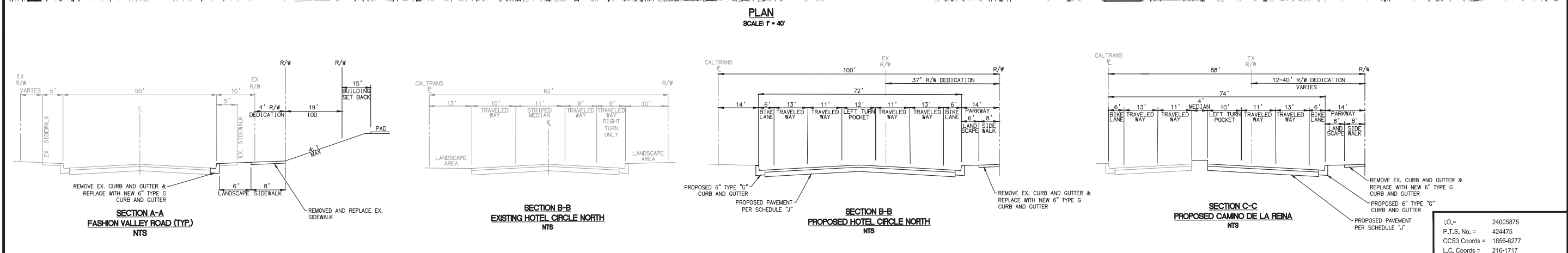
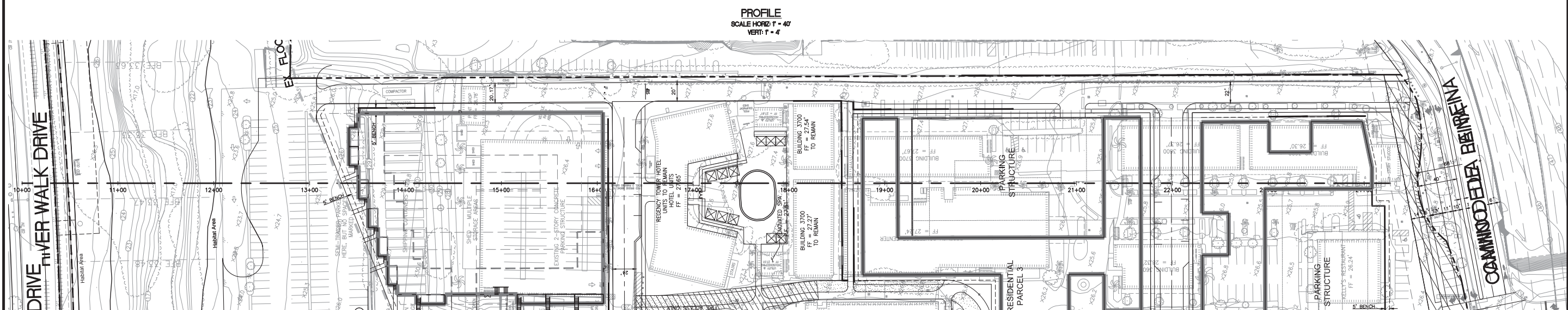
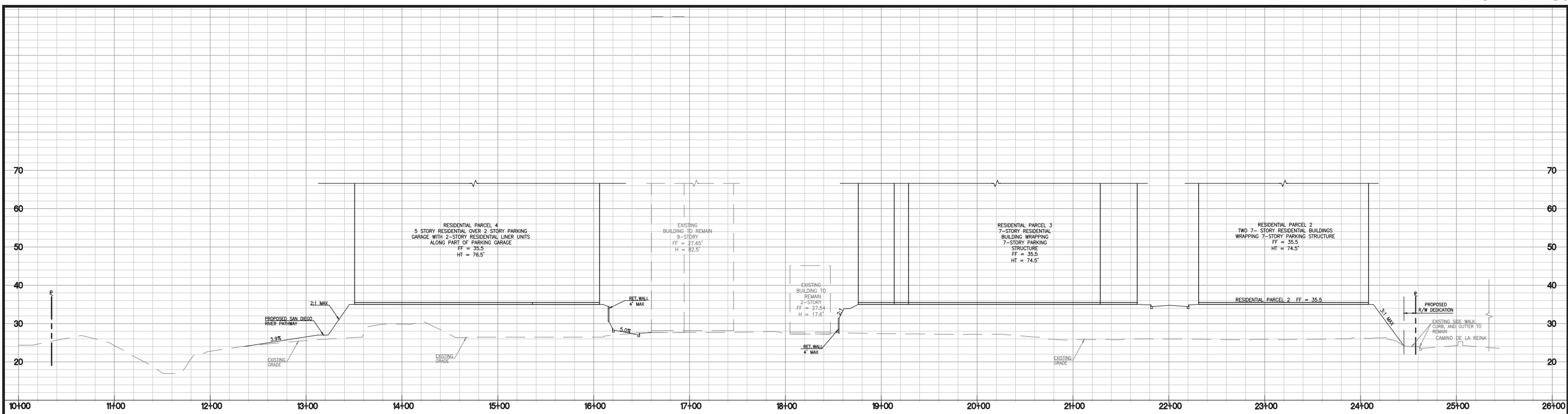
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VESTING TENTATIVE MAP 1499943 FOR:
**TOWN AND COUNTRY
CITY OF SAN DIEGO**

PROJECT ADDRESS:
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

SHEET No. / TITLE:
UTILITY PLAN
SHEET 38 OF 40

MARCH 2017

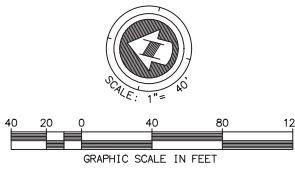


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REVISION 1: _____

ORIGINAL DATE: _____



VESTING TENTATIVE MAP 1499943 FOR:
**TOWN AND COUNTRY
CITY OF SAN DIEGO**

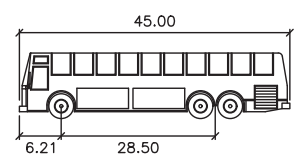
PROJECT ADDRESS:
500 HOTEL CIRCLE NORTH
SAN DIEGO, CA 92108

SHEET No. / TITLE:
CROSS SECTIONS
SHEET 39 OF 40

MARCH 2017

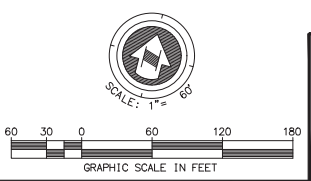
NOTES:

1. FIRE APPARATUS ACCESS ROADS AND WATER SUPPLIES FOR FIRE PROTECTION, SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING TIME OF CONSTRUCTION. CFC CA 33.
2. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 - PROVIDE AS A NOTE ON THE FIRE ACCESS PLAN.
3. POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE STRUCTURE. PROVIDE AS A NOTE ON THE FIRE ACCESS PLAN.
4. IF BUILDINGS SHARE THE SAME ADDRESS: PROVIDE THE FOLLOWING NOTE ON THE FIRE ACCESS PLAN: AN ILLUMINATED DIRECTORY, IN ACCORDANCE WITH FHPS POLICY I-00-6, SHALL BE PROVIDED.
5. APPROVED STAIRWAY IDENTIFICATION SIGNS SHALL BE LOCATED AT EACH FLOOR LEVEL IN ALL ENCLOSED STAIRWAYS IN BUILDINGS FOUR OR MORE STORIES IN HEIGHT. PROVIDE A NOTE ON FIRE ACCESS PLAN.
6. A CLASS I (OR I AND II OR III) STANDPIPE OUTLET CONNECTION IS REQUIRED IN OCCUPANCIES OF 4 OR MORE STORIES AT EVERY FLOOR-LEVEL CONNECTION OF EVERY REQUIRED STAIRWAY ABOVE OR BELOW GRADE. OUTLETS AT STAIRWAYS SHALL BE LOCATED WITHIN THE EXIT ENCLOSURE OR, IN THE CASE OF PRESSURIZED ENCLOSURES, WITHIN THE VESTIBULE OR EXTERIOR BALCONY, GIVING ACCESS TO THE STAIRWAY. THERE SHALL BE AT LEAST 1 OUTLET ABOVE THE ROOF LINE WHEN THE ROOF AS A SLOPE OF LESS THAN 4/12 UNITS HORIZONTAL. IN BLDGS. WHERE MORE THAN 1 STANDPIPE IS PROVIDED, THE STANDPIPES SHALL BE INTERCONNECTED.
7. "STAIRWAYS EXITING DIRECTLY TO THE EXTERIOR OF A BUILDING FOUR OR MORE STORIES IN HEIGHT SHALL BE PROVIDED WITH A MEANS FOR EMERGENCY ENTRY FOR FIRE DEPARTMENT ACCESS."
8. GENERAL STRETCHER REQUIREMENTS- ALL BUILDINGS AND STRUCTURES WITH NOT LESS THAN ONE MEDICAL EMERGENCY SERVICE ELEVATOR TO ALL LANDINGS MEETING THE PROVISIONS OF SECTION 3002.4A.
9. NEW BUILDINGS FOUR OR MORE STORIES ABOVE GRADE PLANE, SHALL BE PROVIDED WITH A STAIRWAY TO THE ROOF. SUCH STAIRWAY SHALL BE MARKED AT STREET AND FLOOR LEVELS WITH A SIGN INDICATING THAT THE STAIRWAY CONTINUES TO THE ROOF.
10. AT LEAST ONE FIRE EXTINGUISHER WITH A MINIMUM RATING OF 2-A-10-BC SHALL BE PROVIDED WITHIN 75 FEET MAXIMUM TRAVEL DISTANCE FOR EACH 6,000 SQUARE FEET OR PORTION THEREOF ON EACH FLOOR. CFC SEC. 906
11. DECORATIVE MATERIALS SHALL BE MAINTAINED IN A FLAME-RETARDANT CONDITION. CFC SEC. 804
12. VEGETATION SHALL BE SELECTED AND MAINTAINED IN SUCH A MANNER AS TO ALLOW IMMEDIATE ACCESS TO ALL HYDRANTS, VALVES, FIRE DEPARTMENT CONNECTIONS, PULL STATIONS, EXTINGUISHERS, SPRINKLER RISERS, ALARM CONTROL PANELS, RESCUE WINDOWS, AND OTHER DEVICES OR AREAS USED FOR FIREFIGHTING PURPOSES. VEGETATION OR BUILDING FEATURES SHALL NOT OBSTRUCT ADDRESS NUMBERS OR INHIBIT THE FUNCTIONING OF ALARM BELLS, HORNS OR STROBES.
13. CONSTRUCTION DOCUMENTS APPROVED BY THE FIRE CODE OFFICIAL ARE APPROVED WITH THE INTENT THAT SUCH CONSTRUCTION DOCUMENTS COMPLY IN ALL RESPECTS WITH THIS CODE. REVIEW AND APPROVAL BY THE FIRE CODE SHALL NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY OF COMPLIANCE WITH THIS CODE.
14. FIRE COMMAND CENTER SHALL COMPLY WITH NFPA 72 AND SHALL CONTAIN THE FEATURES LISTED IN CFC 2013, SECTION 508.
15. MINIMUM ROOM SIZE FOR FIRE COMMAND CENTER IS 200 SQUARE FEET IN AREA WITH A MINIMUM DIMENSION OF 10 FT. CFC 508.1.3
16. COMPLETE PLANS AND SPECIFICATIONS FOR THE OPERATION OF ELEVATORS UNDER FIRE OR OTHER EMERGENCY CONDITIONS SHALL BE SUBMITTED TO LIFE SAFETY FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. CBC SEC. 3003
17. UPON ACTIVATION OF ANY FIRE PROTECTION OR DETECTION SYSTEM, AN AUTOMATIC VOICE ALARM SHALL SOUND ON THE ALARMING FLOOR, THE FLOOR ABOVE, AND THE FLOOR BELOW. CFC 907.5.2.2
18. EMERGENCY SYSTEMS CONFORMING WITH CFC SECTION 604 AND THE CALIFORNIA ELECTRICAL CODE SHALL BE PROVIDED.
NOTE: FUEL TANKS REQUIRE PLAN CHECK APPROVAL FROM THE TECHNICAL SERVICES SECTION OF THE FIRE-RESCUE DEPARTMENT. OBTAIN PERMIT/TA NUMBER AT 1010 2ND AVE. STE. 300 (619) 533-4477. BUILDING FINAL WILL NOT BE APPROVED UNTIL THE TANK PERMIT HAS BEEN APPROVED.
19. A TWO-WAY COMMUNICATION SYSTEM BETWEEN THE CENTRAL CONTROL STATION AND ELEVATORS, ELEVATOR LOBBIES, EMERGENCY AND STANDBY POWER ROOMS, AND ENTRIES INTO ENCLOSED STAIRWAYS SHALL BE PROVIDED FOR FIRE DEPARTMENT USE. CFC 1007.8
20. PROVIDE EMERGENCY RESPONDER RADIO COVERAGE PER CFC SECTION 510.
21. EVERY BUILDING FOUR STORIES OR MORE IN HEIGHT SHALL BE PROVIDED WITH NOT LESS THAN ON STANDPIPE FOR USE DURING CONSTRUCTION INSTALLED IN ACCORDANCE WITH CFC 3313.1. STANDPIPE SHALL BE INSTALLED WHEN THE PROGRESS OF CONSTRUCTION IS NOT MORE THAN 40 FEET IN HEIGHT ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT ACCESS. CFC 3313.1.
22. REQUIRED FIRE PUMPS SHALL BE SUPPLIED BY CONNECTIONS TO A MINIMUM OF TWO WATER MAINS LOCATED IN DIFFERENT STREETS. CBC 403.3.2.



BUS-45 feet
Width : 8.50
Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 44.3

VEHICLE PROFILE
NTS



LEGEND

ITEM	SYMBOL
PROPOSED FIRE HYDRANT (PRIVATE)	DO4
EXISTING FIRE HYDRANT	DO4
PROPOSED FIRE HYDRANT (PUBLIC)	DO4
FIRE ACCESS ROAD	—
FIRE TURN-AROUND	—

L.O.# = 24005875
P.T.S. No. = 424475
CCS3 Coords = 1856-6277
L.C. Coords = 216-1717



REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	
REVISION 2:	
REVISION 1:	

ORIGINAL DATE: _____

VESTING TENTATIVE MAP 1499943 FOR: TOWN AND COUNTRY CITY OF SAN DIEGO	PROJECT ADDRESS: 500 HOTEL CIRCLE NORTH SAN DIEGO, CA 92108	SHEET No. / TITLE: FIRE ACCESS	REVISION 10: REVISION 9: REVISION 8: REVISION 7: REVISION 6: REVISION 5: REVISION 4: REVISION 3: REVISION 2: REVISION 1:
		SHEET <u>40</u> OF <u>40</u>	ORIGINAL DATE: _____

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