



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 4, 2017 REPORT NO. PC-17-038

HEARING DATE: June 8, 2017

SUBJECT: LEGACY INTERNATIONAL CENTER. Process Five Decision

PROJECT NUMBER: [332401](#)

OWNER/APPLICANT: Morris Cerullo Legacy Center Foundation, LLC/Project Design Consultants

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of the redevelopment of the existing Mission Valley Resort site into a destination for religious tourism/mixed use project within the Mission Valley Community Plan area?

Staff Recommendations:

1. Recommend the City Council Certify Environmental Impact Report (EIR) No. 332401, State Clearing House (SCH) No. 2014081053, and Adopt Mitigation, Monitoring, and Reporting Program (MMRP) and Findings; and
2. Recommend the City Council APPROVE General Plan amendment, Mission Valley Community Plan (MVCP) Amendment/Atlas Specific Plan Amendment No. 1888127;
4. Recommend the City Council ADOPT Rezone Ordinance No. 1897177;
5. Recommend the City Council APPROVE Vesting Tentative Map with Easement Vacations No. 1162656;
6. Recommend the City Council APPROVE Site Development Permit No. 1162629;
7. Recommend the City Council APPROVE Conditional Use Permit No. 1162655;
8. Recommend the City Council APPROVE Planned Development Permit No. 1162654.

Community Planning Group Recommendation: On September 7, 2016 the Mission Valley Community Planning Group voted 14-0-2 to recommend approval of the project with no suggested conditions (Attachment 15).

Environmental Review: An Environmental Impact Report No. 332401 and findings have been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) has been provided and will be implemented which will reduce, to a level of insignificance, the potential impacts identified in the environmental review process (Attachment 11).

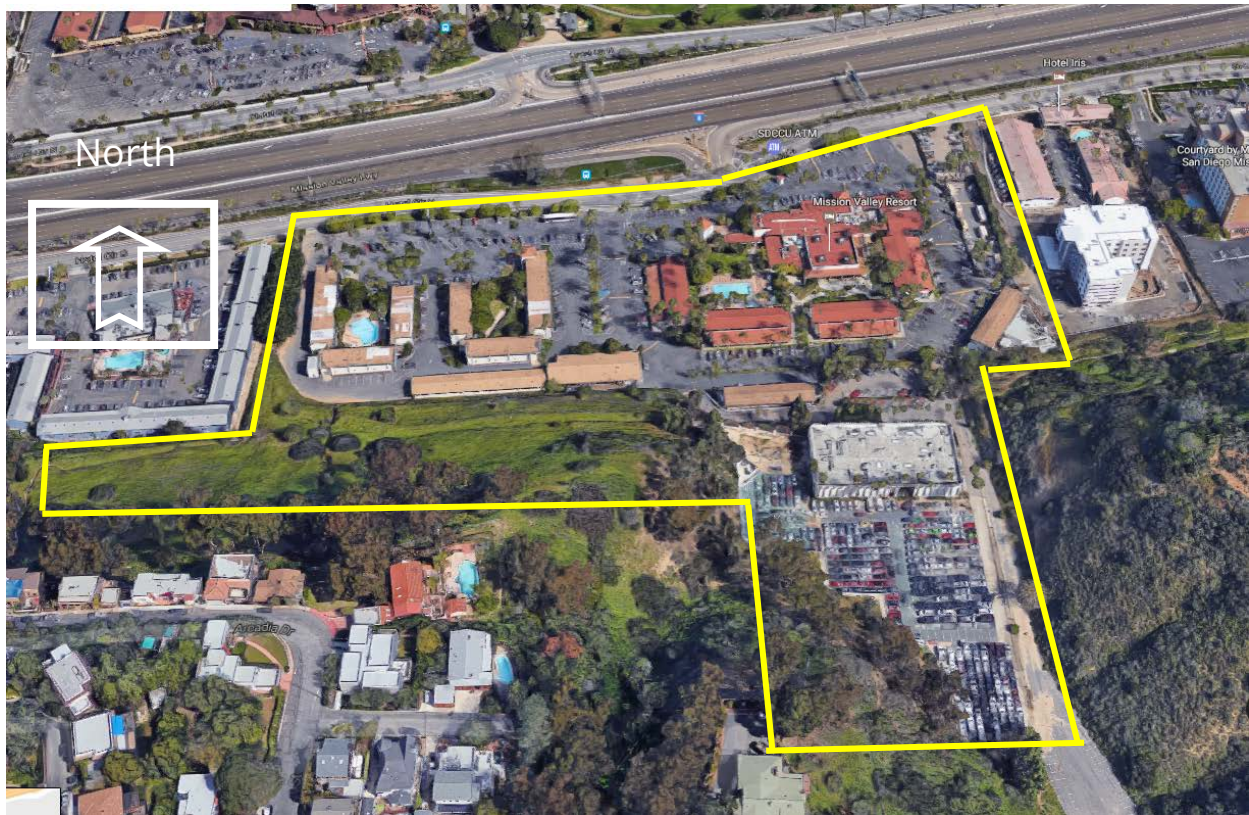
Fiscal Impact Statement: None. All costs associated with processing this application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The existing site does not include housing and there is no housing planned as part of the future development. The project would not decrease or increase the amount of land designated for residential use, resulting in a neutral impact on housing.

BACKGROUND

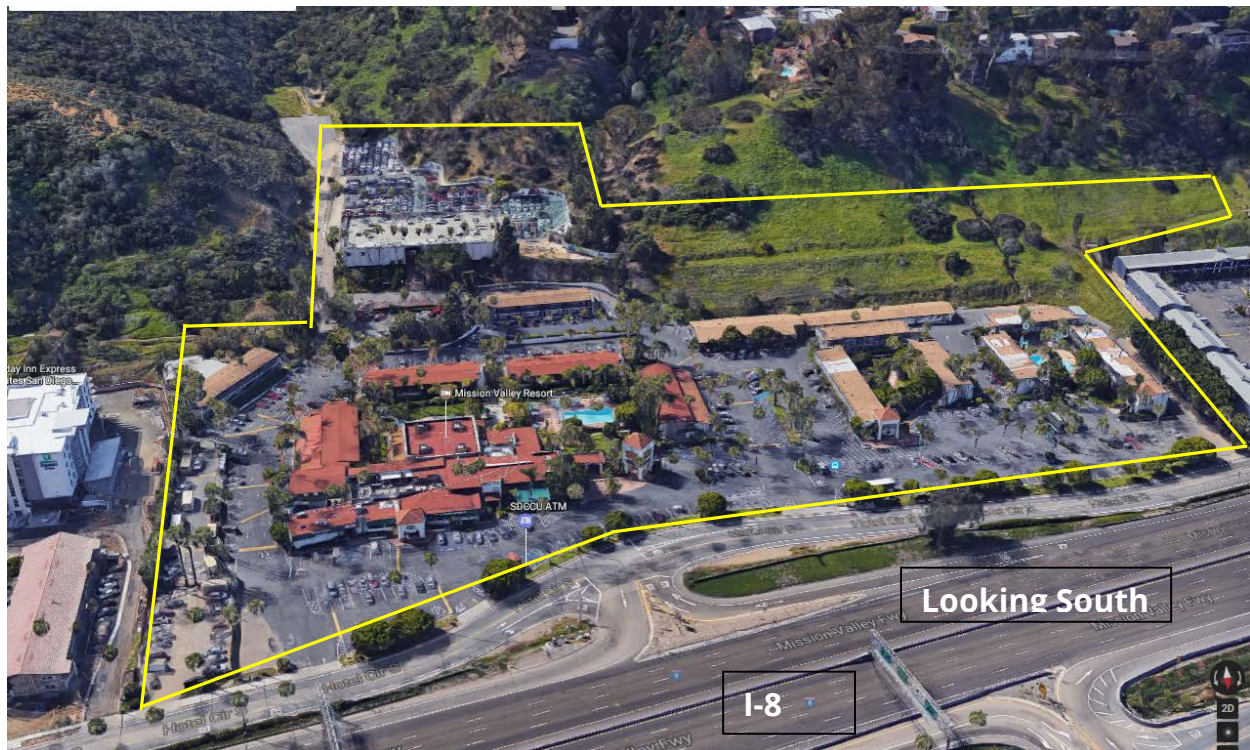
The approximately 18-acre site is located at 875 Hotel Circle South in the Mission Valley Community Plan (MVCP) area and is currently developed with the Mission Valley Resort (Attachments 1-3).



The site is presently used for a 202 room hotel, a 5,300 square foot restaurant, and 1,200 square foot liquor store. An eight pump gas station and a gym were also operated on the site until the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project. Located along Hotel Circle South, the Project site is south of Interstate 8, west of State Route 163, and east of Interstate 805.

The MVCP designates the site as Commercial Recreation (Attachment 2) and identifies the property as being located within the Atlas Specific Plan (ASP). The ASP sets forth a detailed site plan for the property including a 306-room hotel, banquet facilities, health club, and tennis courts.

The project site is located within the Mission Valley Planned District (MVPD) and zoned MVPD-MV-M/SP (Attachment 4). This is a multiple use zone which is applied in conjunction with a specific plan. The applicant proposes to amend the Atlas Specific Plan by removing the project site from its boundaries. The site would be rezoned to remove the existing Specific Plan zoning designation. The proposed base rezone for the site is the MVPD-MV-CV, which allows for commercial visitor-oriented development such as those establishments catering to the lodging, dining, and shopping needs of visitors.





On January 25, 2007, the Planning Commission adopted Resolution No. PC-4207 (Attachment 6) to initiate an amendment to the MVCP and ASP to remove the property from the ASP and rezone the project site to Multi-Use.

DISCUSSION

Project Description:

The Legacy International Center (Project) proposes the redevelopment of the existing Mission Valley Resort property into a mixed-use development and international destination for religious tourism consisting of religious, lodging, administrative/office, recreational, and commercial uses dispersed among five buildings.

1. A 41,071-square-foot “Legacy Vision Center” building (with a welcome center, a dome theater, a museum, a gallery, and retail uses);
2. A 63,477-square-foot pavilion (with a restaurant, gift shops, learning center, theater, and wellness center);
3. A five-story, 88,120-square-foot Legacy Village building containing 127-room hotel, a restaurant, and a wellness center;
4. A five-level parking structure with 435 parking spaces and eastern and northern access points; and
5. A 7,783-square-foot Souk building with outdoor central plaza.

The Project would include a minimum of 524 parking spaces with up to 665 parking spaces (435

parking spaces within a parking structure and 224 surface parking spaces) provided.



The Project provides pedestrian plazas and walkways, amphitheater, prayer garden, walling wall, and water feature. A linear green space with a pedestrian pathway, shade trees, drought tolerant landscaping, and shaded seating would provide passive recreation opportunities. A pedestrian trail would also be provided along an existing topographic bench that traverses the southern portion of the hillside. This trail will include an overlook area and provide interpretive signage regarding the history of Mission Valley. Signage will also be provided along the project frontage to invite people into the site and direct them to the public amenities (e.g. pedestrian plazas, hillside trail, and amphitheater area).



Required Approvals:

The application requires the approval of a Community Plan Amendment and Specific Plan Amendment to remove the project site from the Atlas Specific Plan, a Rezone, Vesting Tentative Map to subdivide the property (with five commercial condominium units) and vacate easements, a Site Development Permit due to the project proximity to Environmentally Sensitive Lands, a Conditional Use Permit to allow the 500 seat religious theater, a Planned Development Permit to allow four over-height retaining walls and Easement Vacations.

Climate Action Plan Development Features:

A Climate Action Plan (CAP) Consistency Checklist was prepared by the applicant and the project was determined to be in conformance with the CAP. CAP Implementation Strategies for the project include locating the project near transit (bus and light rail), providing mixed uses on-site, and creating and implementing a Traffic Demand Management (TDM) program. The site is located along bus routes that connect to the Fashion Valley Mall transit center, and the project includes improvements to the bus stop located adjacent to the site. The provision of multiple uses on-site also reduces the need for trips to multiple locations. An on-site private shuttle service will provide linkages to the nearby trolley stations, the airport, and visitor-serving attractions in Fashion Valley and surrounding areas. The project TDM program would include the measures consistent with the CAP, as well as additional measures aimed to reduce emissions associated with transportation. The project TDM would include a parking cashout program, flexible or alternative work hours, bikesharing, and transit, carpool, and van subsidies. Additional CAP Implementation strategies include a combination of roofing materials with solar reflection and thermal emittance. 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. This energy demand reduction will be provided through a combination of on-site renewable energy generation (photovoltaic) and energy performance design elements. The project conserves water by using low-flow fixtures/appliances and also provides fifteen electric vehicle charging systems in the parking garage to provide an on-site electric vehicle charging station. The provision of these project features provide consistency with the CAP implementation strategies.

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 multiple uses through a Specific Plan. In 1988, the City approved the Atlas Specific Plan (ASP), which included the subject property as the "Mission Valley Inn" site. The ASP allows for an additional 104 hotel rooms and 17,500 square feet of banquet facilities on the Mission Valley Inn site beyond existing development, for a total of 306 hotel rooms, 20,000 square feet of banquet facilities, and a 27,000-square-foot health club.

The ASP sought to leverage the development of seven noncontiguous properties, 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 ASP were sold to different owners. With the properties under separate ownership, the realization of the ASP is no longer financially feasible because the plan relied on the coordinated phasing across the properties to be economically viable. In recognition that this plan will never come to fruition, the applicant has prepared a community plan amendment to remove the subject property from the ASP and request a rezone of the property to a Commercial Visitor zone. This zone is consistent with the Commercial Recreation designation for which the site is identified 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 "D" DID, which allows for 380 gross trips per acre. Projects that exceed the threshold of 380 ADT per gross acre are required to be processed as a Community Plan Amendment and are required to 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 221 gross trips per acre, which is well below the 380 trip threshold. Therefore, the project is consistent with the development intensity provisions of the MVCP.

The design of 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. The project will conform to the previous development footprint to the greatest extent possible, which preserves the natural hillsides to the south. In addition, the building heights do not extend above the 150-foot elevation contour and the buildings are sited with corridors between buildings to preserve hillside view corridors.

Project-Related/Environmental Issues:

Deviations:

The Project complies with the development regulations except for the requested retaining wall heights. City of San Diego Municipal Code [SDMC] Chapter 14, General Regulations, provides city-wide regulations regarding retaining wall height limits. More specifically, [SDMC142.0340\(e\)](#) states that "[r]etaining walls located outside of the required yards shall not exceed 12 feet in height." Within the side and rear yards, SDMC §142.0340(f)(3) states that retaining walls shall not exceed 9 feet within commercial and industrial zones.

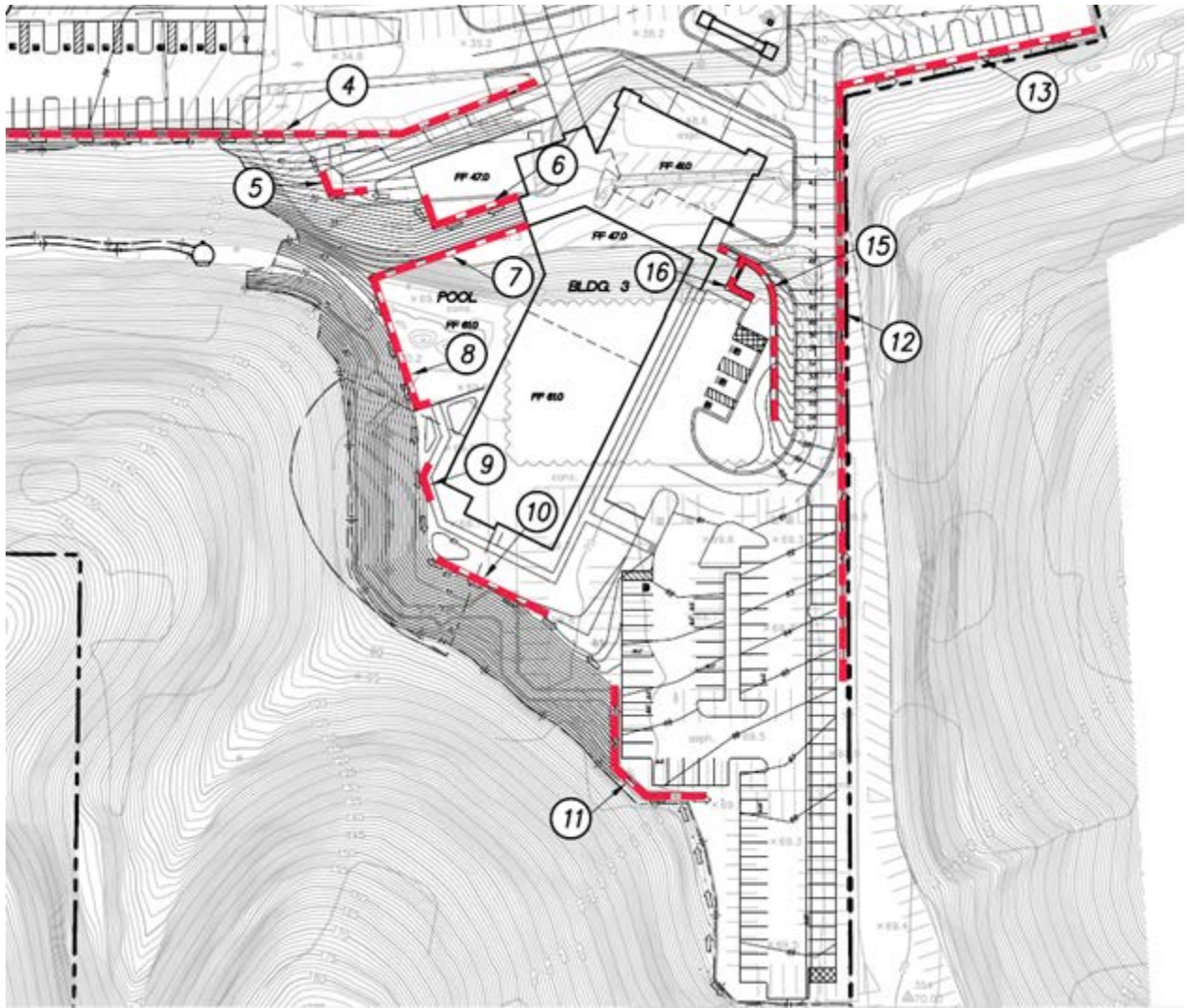
To reduce proposed grading, the proposed project would include 16 retaining walls ranging in height from 0.5 feet tall to 16.5 feet tall. Portions of four of these proposed walls would exceed the City's Municipal Code General Regulations regarding retaining walls height and would require deviations to be approved through a Planned Development Permit. While these proposed walls would exceed the City's height limits, the walls would not result in a substantial view blockage from any public viewing area. The proposed Wall 11 abuts the southern hillside, and would not be visible from the public trail considering the trail would be located at a higher elevation than the wall (see below). In addition, proposed Wall 11 would not be visible from the Hotel Circle South view corridors given the intervening buildings. Proposed Walls 12, 15 and 16 would also not be visible

from the trail or Hotel Circle South locations due to the intervening Legacy Village Hotel (Building 3). Therefore, the retaining wall height deviations would not result in any significant visual impact relative to public views.



View of the Wall with Deviation Behind the Hotel

Table 2 Requested Deviations		
	Allowed	Proposed
Retaining Wall 11	9' maximum is permitted in the required sides/rear yards and shall not be required to provide a horizontal separation between walls (SDMC Section 142.0340(f)(3))	0.5' - 13.5'
Retaining Wall 12		4.0' - 14.0'
Retaining Wall 15	12' maximum (SDMC Section 142.0340(e))	1.0' - 17.5'
Retaining Wall 16		16.5'



Hillside Subdistrict Height Exception:

The Project is proposing to exceed the 40-foot height restriction set forth in [Section 1514.0303\(c\)\(1\)](#) of the SDMC to allow for the buildings in the Project to reach a height of up to 65 feet (a deviation of up to 25 feet, which is within the permitted deviation exception set forth in Section 1514.0303(c)(1)(A)). Section 1514.0303(c)(1) of the SDMC limits buildings and structures to a height of 40 feet above preexisting or finished grade, whichever is lower. Pursuant to Section 1514.0303(c)(1)(A) of the SDMC, an exception to the 40-foot height limitation may be approved up to 65 feet in height provided the following standards are met:

- (a) *All natural existing hillside vegetation and topography shall be preserved.*

Overall, preservation of the existing hillside and topography will be achieved because the Project Site will replace existing improvements; thus, only minimal grading in specific areas will be required as compared to the original development.

(b) Any previously graded hillsides shall be recontoured into a natural form and revegetated with indigenous plants.

Hillsides will be re-contoured to their natural form and re-vegetated with indigenous plants. To minimize any grading and to blend the finished Project with the existing adjacent topography, all graded, disturbed or eroded areas that will not be permanently paved or covered by structures shall be permanently re-vegetated and irrigated in accordance with the standards in the Land Development Code (LDC).

(c) Buildings and structures shall be designed and sited so that a minimum 30-foot-wide open public view corridor is created to the hillside from adjacent public streets and freeways.

Due to the topographical nature of the Project site, the Project provides various minimum 30-foot public view corridors depending on a pedestrian's position on the adjacent public street and/or highway as required pursuant to Section 1514.030(c)(1)(A)(iii) of the SDMC. Two view corridors would be preserved on the project site. Through both corridors, the undisturbed hillsides may be seen over and on the project. Corridors start with a five-foot eye level and would have public view access from Hotel Circle South and/or the adjacent Interstate 8. Both corridors would be protected through the dedication of air space easements, as identified on the site plan. One view corridor looks from Hotel Circle South toward the southwest and would be 592 feet in width. The Welcoming Center and Pavilion both lie in the foreground and the hillsides are visible in the background beyond. The Legacy Hotel building is partially visible in the background, behind the Welcoming Center building. The second view corridor would be 117 feet in width, and looks directly south from Hotel Circle South. As with the first view corridor, the Welcoming Center and Pavilion, as well as a water feature and plaza, are visible in the foreground. The Legacy Hotel building is more visible and prominent in the background in this second view corridor; however, large blocks of hillsides are also visible in the background.

This height exception is consistent with the surrounding development, which consists of hotel and office properties, ranging in height from two to ten stories. Allowing the permitted height exception would maintain the progression in building mass and height. Moreover, architectural elements provide relief and texture, serving to reduce the scale and mass of the buildings while allowing for substantial open views to the steep hillsides and open areas beyond such buildings. The Project's architecture, sustainable design elements, and usable open space support the deviation to allow a 65-foot height deviation where 40-feet is permitted by the underlying zone.



This height exception is consistent with the surrounding development, which consists of hotel and office properties, ranging in height from two to ten stories. Allowing the permitted height exception would maintain the progression in building mass and height. Moreover, architectural elements provide relief and texture, serving to reduce the scale and mass of the buildings while allowing for substantial open views to the steep hillsides and open areas beyond such buildings. The Project's architecture, sustainable design elements, and usable open space support the deviation to allow a 65-foot height deviation where 40-feet is permitted by the underlying zone.



Conclusion:

Staff has reviewed the proposed Project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the Project and draft conditions of approval. Staff recommends the Planning Commission recommend approval of the Project as proposed.

ALTERNATIVES

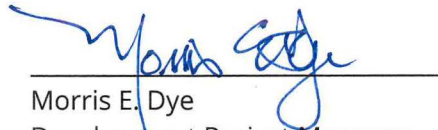
1. Recommend approval of the Mission Valley Community Plan Amendment/Atlas Specific Plan Amendment No. 1888127, Rezone No. 1897177, Vesting Tentative Map with Easement Vacations No. 1162656, Site Development Permit No. 1162629, and Conditional Use Permit No. 1162655, Planned Development Permit No. 1162654, with modifications.

2. Recommend denial of the Mission Valley Community Plan Amendment/Atlas Specific Plan Amendment No. 1888127, Rezone No. 1897177, Vesting Tentative Map with Easement Vacations No. 1162656, Site Development Permit No. 1162629, and Conditional Use Permit No. 1162655, Planned Development Permit No. 1162654, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse W. Lowe
Deputy Director
Development Services Department



Morris E. Dye
Development Project Manager
Development Services Department



Brian Schoenfisch
Program Manager
Planning Department

VACCHI: MDye

Attachments:

1. Aerial Photograph/Site Photos
2. Community Plan Land Use Map
3. Project Location Map
4. Mission Valley Community Plan Specific Plan/Multiple Use Areas Map
5. Project Data Sheet
6. Planning Commission Resolution PC-4207
7. Draft Permit Resolution with Findings
8. Draft Permit with Conditions
9. Draft Vesting Tentative Map Resolution with Findings
10. Draft Vesting Tentative Map Conditions
11. Environmental Impact Report Resolution with MMRP
12. Draft Ordinance
13. Draft Community Plan/Specific Plan Amendment Documents (Community Plan Amendment Resolution/Revised Graphics)
14. Rezone Exhibit
15. Project Plans/ Vesting Tentative Map
16. Community Planning Group Recommendation
17. Ownership Disclosure Statement



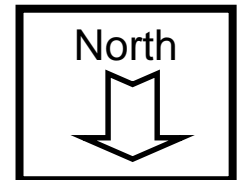
Project Site



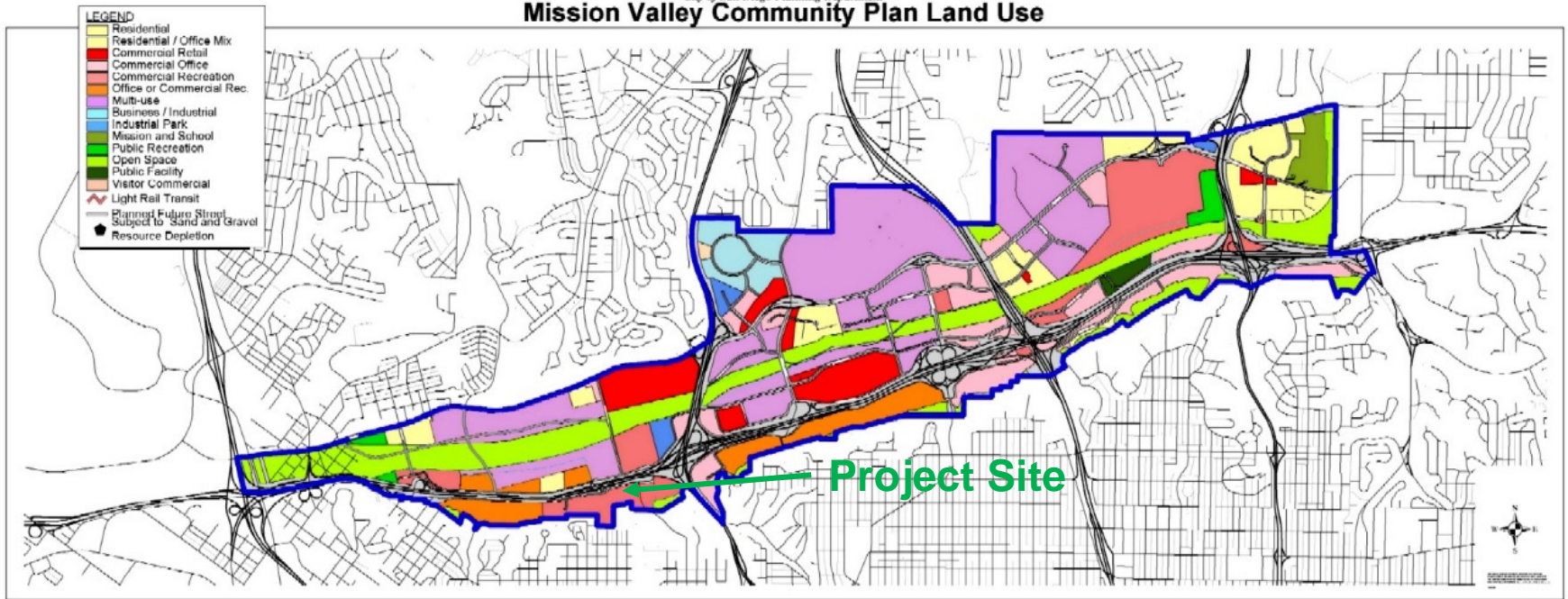
Aerial Photo

Legacy International Center/ 875 Hotel Circle S.

PROJECT NO. 332401

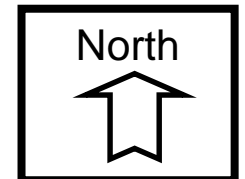


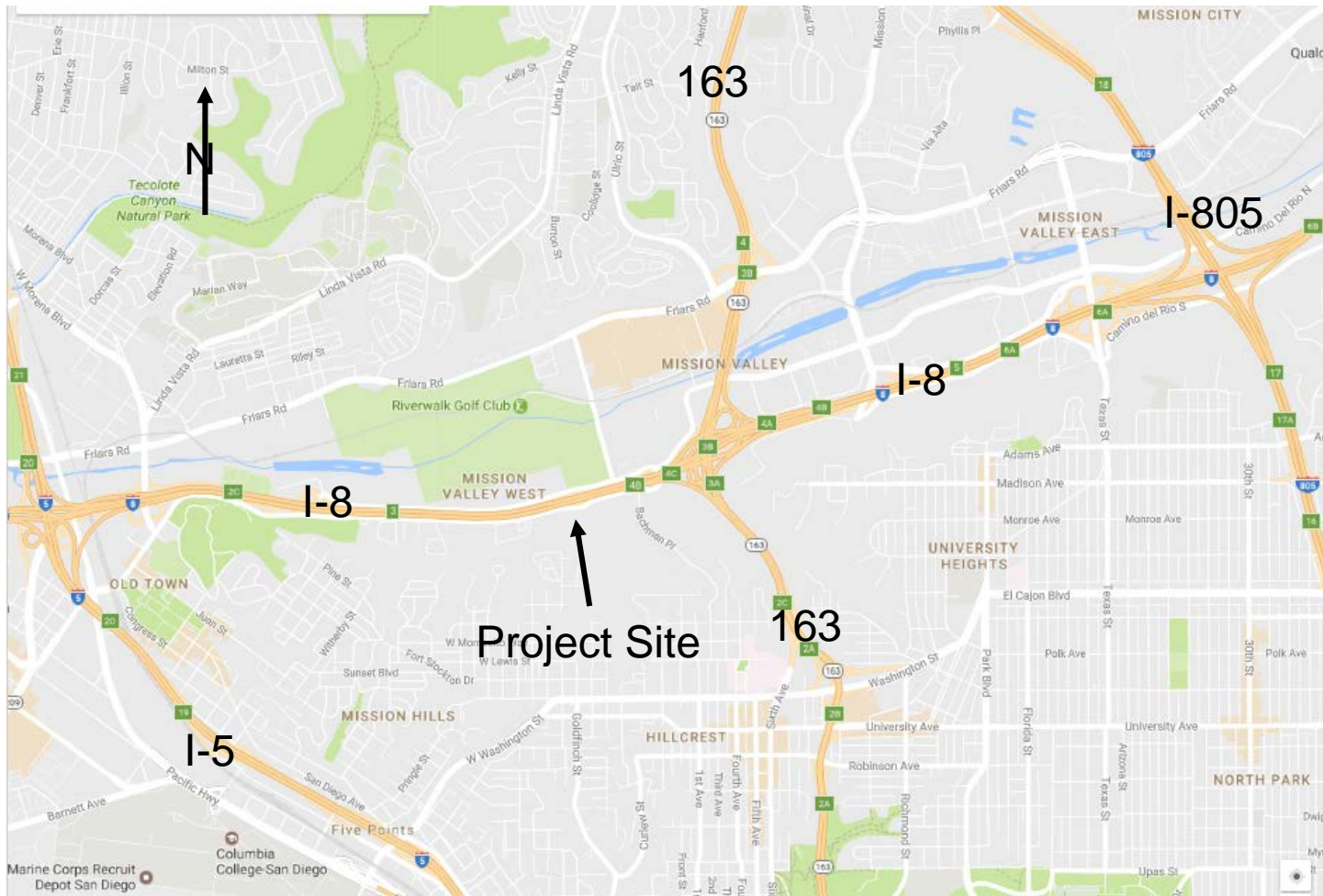
City of San Diego Planning Department
Mission Valley Community Plan Land Use



Land Use Map

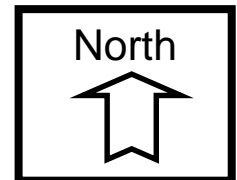
Legacy International Center/ 875 Hotel Circle S.
 PROJECT NO. 332401

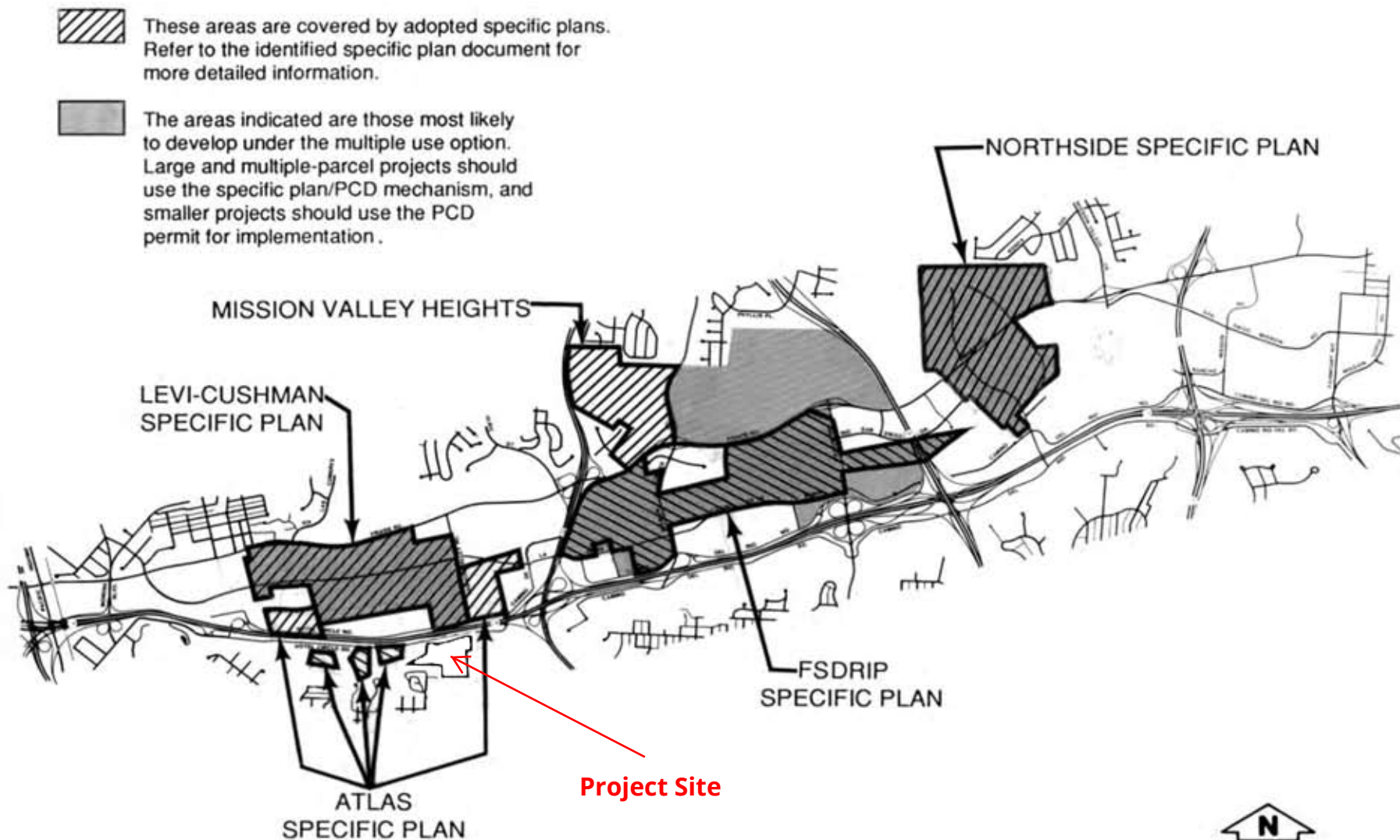




Project Location Map

Legacy International Center/ 875 Hotel Circle South
PROJECT NO. 332401





Specific Plan/Multiple Use Areas
Mission Valley Community Plan

10
FIGURE



PROJECT DATA SHEET

PROJECT NAME:	Legacy International Center	
PROJECT DESCRIPTION:	MISSION VALLEY Community Plan/Specific Plan Amendment, Rezone, Site Development Permit, Conditional Use Permit, Planned Development Permit, Easement Vacations & Vesting Tentative Map (Process 5) to demolish the Mission Valley Resort Hotel & construct a mix of uses; religious, lodging, administrative, recreational & commercial on an 18-acre lot at 875 Hotel Circle S.	
COMMUNITY PLAN AREA:	Mission Valley Specific Plan/Mission Valley Community Plan	
DISCRETIONARY ACTIONS:	CPA/SDP/CUP/PDP/VTM/EV/Rezone	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial Recreation	
<p align="center">ZONING INFORMATION:</p> <p>ZONE: MV-M/SP</p> <p>HEIGHT LIMIT: 40 Feet, 65 Feet proposed and allowed if specific standards met.</p> <p>LOT SIZE: 18.13 Acres</p> <p>FLOOR AREA RATIO: NA</p> <p>FRONT SETBACK: NA</p> <p>SIDE SETBACK: 10 feet required, 30 provided</p> <p>STREETSIDE SETBACK: 13.2 feet required, 14.5 provided</p> <p>REAR SETBACK: 23.2 feet required, 240 feet provided</p> <p>PARKING: 524 required, 659 provided</p>		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Interstate 8 Freeway	Freeway
SOUTH:	Commercial Rec; MVPD-M/SP	Commercial Retail; Auto Service
EAST:	Commercial Rec; MVPD-MV-CV	land use; specific use
WEST:	Commercial Rec; MVPD-MV-CV	land use; specific use
DEVIATION REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On September 7, 2016 the Mission Valley Community Planning Group voted 14-0-2 to recommend approval of the project without conditions.	

PLANNING COMMISSION RESOLUTION NO. -PC-4207

INITIATING AN AMENDMENT TO THE ATLAS SPECIFIC PLAN, THE MISSION VALLEY COMMUNITY PLAN AND THE PROGRESS GUIDE AND GENERAL PLAN TO REMOVE A 19-ACRE SITE FROM THE ATLAS SPECIFIC PLAN AND TO REDESIGNATE THE SITE IN THE COMMUNITY PLAN FROM COMMERCIAL RECREATION TO MULTI-USE.

WHEREAS, on January 25, 2007, the Planning Commission of the City of San Diego held a public hearing to consider the initiation of an amendment to the Atlas Specific Plan, Mission Valley Community Plan and the Progress Guide and General Plan to remove a 19-acre site from the Atlas Specific Plan and to redesignate the site in the Community Plan from Commercial Recreation to Multi-Use; and

WHEREAS, the applicant is requesting a Specific Plan, Community Plan and General Plan Amendment so that the subject site will accommodate future residential and commercial development on the property; and

WHEREAS, the Planning Commission of the City of San Diego considered 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 Specific Plan, Community Plan and General Plan Amendment; and

BE IT FURTHER RESOLVED, that the Planning Commission directs staff to consider the following issues:

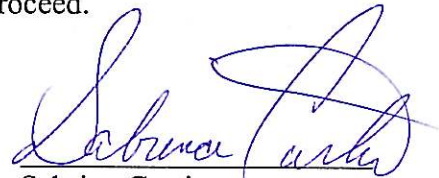
- The appropriate land use designation and density range for the site.
- Adequacy of proposed commercial component to sufficiently serve residential use and create a mixed-use village.
- Compatibility of new development with existing and planned uses in the project vicinity.
- Provision of recreational amenities to serve future residents, including the potential of providing a 2 to 3-acre public park on-site.
- Provision of pedestrian amenities and streetscape improvements.
- Analysis of pedestrian connections between uses within the project site and from the site to adjacent development, the existing circulation system, and public transit.
- Feasibility of providing off-site pedestrian improvements to create a safe and convenient pedestrian and bicycle connection directly from the site to the trolley station at Fashion Valley.
- Feasibility of providing enhanced pedestrian trails from the proposed mixed-use development to the surrounding natural open space.
- Analysis of traffic impacts.
- The adequacy of existing public services and facilities, including schools, parks, fire, police and transit services, to determine whether the additional units proposed would negatively impact the current levels of these services.
- Analysis of the public improvements outlined in the Atlas Specific Plan, including a detailed status report on each of the required improvements, outline of outstanding requirements and assessment of the responsibilities to implement those requirements.

- Analysis of the Atlas Specific Plan to ensure that all references to the subject property are identified for deletion, statistics of the Specific Plan Area are identified for adjustments to reflect the proposed deletion, and all responsibilities and/or impacts are addressed.
- Analysis of building housing that supports the workforce in Mission Valley.
- Analysis of the need for public schools in Mission Valley to serve the future residents.
- Study of accessing the trolley from the project site by foot, shuttle and bus.
- Analysis of the preservation of the south slopes of Mission Valley.
- Connectivity from the proposed project to surrounding projects.
- Constraints and opportunities for designing a mixed-use project on such an important, highly-visible site.
- Opportunities for public land, open space and parks.
- Analysis of providing public recreational trails through the open space, along the south slopes of the project.
- Provision that the project will not be self-contained, rather will open-up to the outside and the larger Mission Valley community.
- Provision that the project design should foster and encourage walkability.
- Provision that the project should include a useable open space element.
- Analysis of why the vision changed from hotel to mixed-use residential/commercial in regards to this site.
- Study of how the future residents will safely navigate across Interstate 8 (underpass, overpass) and connect to the trolley station, the San Diego River and other developments in Mission Valley.

BE IT FURTHER RESOLVED, that this initiation does not constitute an endorsement of a project proposal. This action will allow staff analysis to proceed.



Brian Schoenfisch
Senior Planner
City Planning and Community Investment



Sabrina Curtin
Legislative Recorder

Initiated: January 25, 2007
By a vote of: 5-0-0

RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 1162629/CONDITIONAL USE PERMIT NO. 1162655/PLANNED
DEVELOPMENT PERMIT NO. 1162654
LEGACY INTERNATIONAL CENTER - PROJECT NO. 332401

WHEREAS, Morris Cerullo Legacy Center Foundation filed an application with the City of San Diego for a Site Development Permit, Conditional Use Permit and Planned Development Permit to redevelop the existing Mission Valley Resort property into a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses known as the Legacy International Center project, located at 875 Hotel Circle South, and legally described as: Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955, in the Mission Valley Community Plan area, in the MVPD-MV-M/SP zone, which is proposed to be rezoned to the MVPD-MV-CV zone; 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 Site Development Permit No. 1162629, Conditional Use Permit No. 1162655, Planned Development Permit No. 1162654:

Planned Development Permit - Section 126.0604

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

The Legacy International Center project (Project) will demolish the existing structures and parking lots, and construct a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses dispersed among five buildings:

1. A 41,071-square-foot "Legacy Vision Center" building (with a welcome center, a dome theater, a museum, a gallery, and retail uses);
2. A 63,477-square-foot pavilion (with a restaurant, gift shops, learning center, theater, and wellness center);
3. A five-story, 88,120-square-foot Legacy Village building containing 127-room hotel, a restaurant, and a wellness center; and
4. A parking structure.
5. A 7,783-square-foot outdoor plaza;

The Project would include a maximum of 665 parking stalls (435 within a parking structure and 224 surface spaces) where 524 spaces are required. The Project will also include outdoor recreation amenities, hiking trails, a linear park, plazas, a water feature, and other accessory uses and amenities.

The Project would also provide pedestrian plazas and walkways, an amphitheater, prayer garden, wailing wall, and water feature. A linear green space with a pedestrian pathway, shade trees, drought tolerant landscaping, and shaded seating would provide passive recreation opportunities. A pedestrian trail would also be provided along an existing bench that traverses the southern portion of the hillside. This trail would include an overlook area and provide interpretive signage regarding the history of Mission Valley. Signage would also be provided along the project frontage to invite people into the site and direct them to the public amenities (e.g. the pedestrian plazas, hillside trail, and amphitheater area).

The project site, located in the Mission Valley Community Plan area, is designated as Commercial Recreation and zoned MVPD-MV-M/SP (Multiple Use Zone in the Mission Valley Planned District in a Specific Plan). The site is located at 875 Hotel Circle South, San Diego, California. The site is urban and was previously developed for multiple uses within the Atlas Specific Plan, which was approved by the City of San Diego City Council, Resolution Number R-272571, dated December 13, 1988 ("Atlas Specific Plan") which permits, among other things, the use of the property for the operation of a hotel. The site is presently used for a 202 room hotel, a 5,300 square foot restaurant, and 1,200 square foot liquor store. An eight pump gas station and a gym were also operated on the site until the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project. Located along Hotel Circle South, the Project site is south of Interstate 8, west of State Route 163, and east of Interstate 805.

The Project is proposing to continue to be designated as Commercial Recreation, but will no longer be governed by the Atlas Specific Plan. The Atlas Specific Plan sets forth a land use and urban design element for properties owned by Atlas Hotels, Inc. to ensure the orderly and integrated development of the affected parcels and sites. Since the Project will demolish the existing hotel, the Project is requesting an amendment to be removed from the Atlas Specific Plan. The land use and development restrictions in the Atlas Specific Plan are specifically related to the hotel uses on the property and are not applicable or appropriate for the Project. Once the site is removed from the Specific Plan, those regulations will no longer apply. However, the Project intends to meet the underlying objectives of the Atlas Specific Plan of balanced circulation with ample opportunities for alternative modes of transportation, including light rail transit, bus, bicycle and pedestrian movement, and improved streetscape design. Improved streetscape design will be achieved through the provision of parks and open spaces, utilizing native, drought resistant plants and trees, and maintaining large portions of the steep hillsides, which will continue to be visible from Interstate 8 and Hotel Circle South.

The Project will implement the policies of the Mission Valley Community Plan intended for the Project site. The objectives for commercial uses in the Mission Valley Community Plan applicable to this Project are: 1) encourage multi-use development in which commercial uses are combined or integrated with other uses; 2) encourage visitor-oriented commercial development; and 3) encourage new commercial development which relates (physically and visually) to existing adjacent development. The Legacy International Center would integrate a variety of uses including lodging, retail, entertainment, and recreational uses. These uses would be connected by open plazas and a pedestrian network. The Project would include visitor-oriented commercial development, such as a 127-room hotel, a restaurant, and a wellness center. The Project would also relate to existing adjacent development made up of hotel and office properties that currently ranges from two to five stories. It has been designed to be compatible with the scale and massing of existing development in the area.

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 "D" DID, which allows for 380 gross trips per acre. Projects that exceed the threshold of 380 ADT per gross acre are required to be processed as a Community Plan Amendment and are required to 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 221 gross trips per acre, which is well below the 380 trip threshold. As such, the project is consistent with the development intensity provisions of the MVCP. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The Project will not be detrimental to public health, safety and welfare because the permits controlling the development and continued use of the proposed Project for this site contain specific conditions addressing the Project's compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and developmental controls such as control of drive aisle and parking space width, provision of Brush Management Zones, and closure of non-utilized driveways. The

review of all construction plans and the final construction will comply with all regulations, and will assure the continued health, safety, and general welfare of persons residing or working in the area.

Moreover, the provision of a linear park and the maintenance of steep hillsides through a Covenant of Easement and intersection improvements also function to protect the public health, safety and general welfare. Therefore the proposed development will not be detrimental to public health, safety and welfare.

3. 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 proposed development complies with the regulations of the Land Development Code. Pursuant to Section 126.0602(b)(1), a Planned Development Permit is requested to allow for deviations to retaining wall heights. The retaining walls for which deviations are being sought are necessary due to the hillside located to the rear of the property and the grade differential between the site and the adjacent property to the east. The entire site has approximately 45 feet of grade change, so the walls are necessary to make the site function in terms of programs and access. The site cannot be raised to lower the heights of the retaining walls as this would result in exceeding maximum grades for drive isles. Pursuant to Section 142.0340, retaining walls are limited to nine feet within required side and rear yards (in commercial zones) and 12 feet outside of required yards. The project proposes a total of 16 retaining walls. Of these, only four require deviations.

Two of these walls are located within required setbacks and have maximum heights of 16 feet and 17.5 feet. These walls are located within the rear setback adjacent to a parking lot and are required to avoid impacts to the abutting hillside. It would not be visible from public viewpoints. The 14 foot wall is located in the rear portion of the site within the side setback between the subject site and the adjacent property to the east. This wall is required due to the significant grade differential between the properties and is necessary to avoid grading encroachments on the adjacent property.

The other two walls are located outside of required setbacks and have the following maximum heights: 16.5 feet, and 17.5 feet. These walls are located to the rear of the site and would be obscured from public viewpoints. They are located to the eastern side of the hotel building.

The proposed retaining walls would replace existing walls to minimize the size of the retaining walls and the impact into the adjacent hillside/open space. Extensive efforts have been made to design the site to reduce the heights and visibility of the walls. A majority of the walls will have vines or larger scale planting in front of them softening their overall appearance. For the walls that do not, the planting behind the walls will grow over the wall to aid in softening the aesthetic.

The requested deviations result in a more desirable project than would be achieved if designed in strict conformance with the regulations. As previously indicated, the site has significant grade changes and cannot be raised. It is also constrained by an existing hillside located behind the proposed development and a significant grade differential between the subject site and the adjacent property to the east. The walls are necessary to avoid additional grading and disturbance into the

hillside as well as grading encroachments on the adjacent property. Therefore, 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.

FINDINGS:

SITE DEVELOPMENT PERMIT SECTION 126.0504

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

The Project would include a maximum of 665 parking stalls (435 within a parking structure and 224 surface spaces) where 524 spaces are required. The Project will also include outdoor recreation amenities, hiking trails, a linear park, plazas, a water feature, and other accessory uses and amenities.

The project site, located in the Mission Valley Community Plan area, is designated as Commercial Recreation and zoned MVPD-MV-M/SP (Multiple Use Zone in the Mission Valley Planned District in a Specific Plan). The project site is located at 875 Hotel Circle South, south of Interstate 8, west of State Route 163, and east of Interstate 805. The site is urban and was previously developed for multiple uses within the Atlas Specific Plan, which was approved by the City of San Diego City Council, Resolution Number R-272571, dated December 13, 1988 ("Atlas Specific Plan") which permits the use of the property for the operation of a hotel. The site is presently used for a 202-room hotel, a 5,300-square-foot restaurant, and 1,200-square-foot liquor store. An eight-pump gas station and a gym were also operated on the site until the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project.

The Project is proposing to continue to be designated as Commercial Recreation, but will no longer be governed by the Atlas Specific Plan. The Atlas Specific Plan sets forth a land use and urban design element for properties owned by Atlas Hotels, Inc. to ensure the orderly and integrated development of the affected parcels and sites. 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 no longer financially feasible because the plan relied on the coordinated phasing across the properties to be economically viable. Since the Atlas Specific Plan is no longer financially feasible, the Project is requesting an amendment to be removed from the Atlas Specific Plan. Once the site is removed from the Specific Plan, those regulations will no longer apply.

The Project will implement the policies of the Mission Valley Community Plan intended for the Project site. The objectives for commercial uses in the Mission Valley Community Plan applicable to this Project are: 1) encourage multi-use development in which commercial uses are combined or integrated with other uses; 2) encourage visitor-oriented commercial development; and 3) encourage new commercial development which relates (physically and visually) to existing adjacent development. The Legacy International Center will integrate a variety of uses including lodging, retail, entertainment, and recreational uses. These uses will be connected by open plazas and a pedestrian network. The Project will include visitor-oriented commercial development, such as a 127-room hotel,

a restaurant, and a wellness center and has been designed to be compatible with the scale and massing of existing development in the area. The project will relate to existing adjacent development consisting of hotel and office properties currently ranging from two to ten stories in height. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed development will not be detrimental to public health, safety and welfare because the permits controlling the development and continued use of the proposed Project for this site contain specific conditions addressing the Project's compliance with the City's codes, policies, regulations and other regional, state, and federal regulations related to public health and safety. Conditions of approval require compliance with several operational constraints and developmental controls such as control of drive aisle and parking space width, provision of Brush Management Zones, and closure of non-utilized driveways. Review of all construction plans and the final construction and provision of a linear park and steep hillside maintenance will ensure compliance with all regulations.

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 "D" DID, which allows for 380 gross trips per acre. Projects that exceed the threshold of 380 ADT per gross acre are required to be processed as a Community Plan Amendment and are required to 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 221 gross trips per acre, which is well below the 380 trip threshold. As such, the project is consistent with the development intensity provisions of the MVCP. Therefore the proposed development will not be detrimental to public health, safety and welfare.

3. The proposed development will comply with the regulations of the land development code including any deviations pursuant to the Land Development Code.

The Planned Development Permit pursuant to SDMC Section 126.0602(b)(1) will allow a deviation to retaining wall height restrictions set forth in 142.0340(e) which restricts retaining wall heights to nine feet within required yards and 12 feet for walls outside the required yards. Section 142.0340 limits retaining walls to nine feet within required side yard and rear yards. Two walls are located within required setbacks and have maximum heights of 13.5 feet (Wall 11) and 14.0 feet (Wall 12). These walls are located within the rear setback adjacent to a parking lot and are required to avoid impacts to the abutting hillside and would not be visible from public viewpoints. The proposed retaining wall heights are necessary due to the hillside located at the rear of the site and the grade differential between the project site and the site to the east. The 14-foot (max.) wall is located at the rear portion of the site within the side setback between the subject site and the adjacent property to the east. This wall is required due to the significant grade differential between the properties and is necessary to avoid grading encroachments on the adjacent property. The other two retaining walls are located outside of required setbacks and have the following maximum heights: 17.5 feet (Wall 15, and 16.5 feet (Wall 16). These walls are located to the rear of the site and would be obscured from public viewpoints. They are located to the eastern side of the hotel building. There is a grade change of 45 feet on site and the requested deviations allow for site function and access. Raising the site to lower

retaining wall heights would result in exceeding maximum grades for drive isles. The proposed development will comply with all other relevant regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. For additional information see Planned Development Permit Finding No. 3, above.

The Project as proposed complies with required setbacks, parking, landscaping regulations transportation, drainage and storm water requirements. Therefore, the proposed development will comply with the regulations of the land development code including any deviations pursuant to the Land Development Code.

Supplemental Findings Pursuant To Section 126.0504(B) -- Environmentally Sensitive Lands

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

The Project will re-develop approximately 12.6 acres of an 18.13-acre property located in the Mission Valley community, within a built urban environment. The project site is a previously developed site and is currently zoned MVPD-MV-M/SP (Multiple Use in a Specific Plan). The Project site currently contains a 202-room hotel, a 5,300-square-foot restaurant, and a 1,200-square-foot liquor store, and several additional buildings. An eight-pump gas station and a gym were also operated on the site until the spring of 2013. Commercial and hotel developments exist east and west of the Project site and across Interstate 8, north of the Project. In this setting, the proposed Project functions as development of an infill site; reusing and repositioning buildings with updated structures and portions of the Project will be accessed by the general public. The Project site has convenient access to an existing network of surface streets, freeways, and transit routes (e.g., bus and trolley) and all public utilities are in place to allow connections to serve the Project.

The Project is limited to areas of the site that have been previously graded or disturbed. Technical reports prepared for the Project demonstrate that the site is physically suitable for the proposed development.

The Project would have impacts to three sensitive vegetation communities: southern mixed chaparral, disturbed southern mixed chaparral and non-native grassland. Mitigation for impacts to these vegetation communities may be achieved by payment into the City of San Diego Habitat Acquisition Fund. No sensitive plant species were observed within the survey area. No direct impacts to sensitive wildlife species would occur. The project would comply with the Migratory Bird Treaty Act of 1918 and California Department of Fish and Wildlife Code 3503 by avoiding potential direct and indirect impacts to bird species through implementation of pre-construction surveys if work were to be conducted during the breeding season. If nesting birds are identified, then mitigation measures to avoid impacts to these breeding birds would be implemented. A wetland delineation conducted on-site identified non-wetland waters within the southern half of the survey area. The non-wetland waters occur as upland vegetated ephemeral streambeds and impacts would occur to a portion of these ephemeral drainages. Mitigation for impacts to ephemeral waters would be achieved on-site through creation, restoration, and/or enhancement of drainage courses. Permits from the resource agencies would be required in order to authorize impacts to jurisdictional waters. No impacts to wetlands would occur. No grading into areas qualifying as Environmentally Sensitive Lands (ESL) Steep Hillsides will occur.

A hotel and other structures exist on the site today and the project will also provide a new hotel and other structures within the same project footprint. The project will mitigate environmental impacts and grading will occur in a previously disturbed area of the project site. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in the minimum disturbance to environmentally sensitive lands.

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

The northern section of the site is located within the Special Flood Zone AE of the San Diego River based on Federal Emergency Management Agency (FEMA) Panel No. 06073C1618G, dated May 16, 2012, and portions of the southern section of the site are located within the Special Flood Zone X. The project site and numerous other similarly situated developments are disconnected from the main channel of the San Diego River. Interstate 8 freeway is located between the San Diego River and the project site. In addition, the minimum finished floor elevations of buildings proposed for the Project will be two feet above the maximum water surface elevation adjacent to the project site.

Groundwater is encountered between eight and 33.5 feet below the existing grade which ranges in elevation between 10.5 and 18.5 feet above Mean Sea Level (MSL). Proper surface drainage and dewatering procedures will be implemented for excavations deeper than 10-to-17 feet or below an elevation of 10-to-18 feet above MSL. The site will be graded and maintained such that surface drainage is directed away from structures and a water-proofing system will be used on the wall and joints of basement and building walls retaining landscaping areas.

The project site is not located within a State of California Earthquake Fault Zone. It is not on any known active, potentially active, or inactive fault traces as defined by the California Geological Survey. The soil onsite possesses a "very low" to "low" expansion potential as defined by Building Code Section 1803.5.3. The relatively flat developed section of the property consists of surficial soils consisting of undocumented fill and alluvium, overlying Stadium Conglomerate. The sloped area at the southern portion of the property consists of Stadium Conglomerate. Based on an analysis in the Geological Report prepared for the project, the planned improvements can be supported by Stadium Conglomerate, with remedial grading required for the undocumented fill and sections of alluvium below the water table that are susceptible to liquefaction. Liquefiable soils are generally in the northern portion of the property and not present in the southern section of the property. The Project will implement measures to mitigate potential liquefaction as a result of seismic activity, such as ground improvement of surficial soils, placement of deep foundations to support the planned garage and buildings, and/or structural design of improvements.

Slope stability, erosion control, water quality, and landform preservation will be minimally affected by the grading proposed for the Project. The cut and fill slope ratio requirement of 2:1 for slopes greater than eight (8) feet in height shall be satisfied; no landslides are known to exist on the property or at a location that would impact the proposed development; and the Project will not destabilize or result in settlement of adjacent property or any rights of way. The existing slope possesses favorable geologic conditions that will not negatively affect the planned development as all slopes will be planted, drained, and properly maintained to reduce erosion. Adequate site drainage will be installed to reduce the potential for differential soil movement, erosion and subsurface seepage. Retaining walls will be installed at the base of a majority of the slopes and concrete brow ditches will be installed

above the retaining walls, which will help prevent drainage, erosion and shallow failure from being deposited to the buildings.

The Project is within the San Diego Very High Fire Hazard Severity Zone. However, the Project is designed to meet City standards for fire protection and reduce the risk of fire hazards. Pursuant to SDMC Section 142.0412 brush management on the Project premises is designed to reduce fire hazard while simultaneously minimizing the impact on undisturbed native or naturalized vegetation. Brush management will be achieved by thinning and pruning trees and plants, controlling plants, and maintaining irrigation systems as well as utilizing non-combustible and/or fire resistant building materials whenever practicable. All brush management Zone 1 and Zone 2 areas for the proposed Project are outside the Multi-Habitat Planning Area at more than 100 feet away; thus, minimizing impacts to protected species to the maximum extent possible. Therefore, 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. Implementation of these measures will further increase the fire safety of the surrounding built environment.

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

The Project has been designed to preserve significant environmental resources and steep hillsides by conforming, to the maximum extent, to the current development footprint. The proposed development will occur within essentially the same development footprint as the existing Mission Valley Inn project. The proposed bulk and scale of the new development is compatible with other existing developments located along the south side of Hotel Circle South, such as the Courtyard Marriott and Double Tree hotels.

To minimize any grading and to blend the finished Project with the existing adjacent topography, all graded, disturbed or eroded areas that will not be permanently paved or covered by structures will be permanently re-vegetated and irrigated in accordance with the standards in the Land Development Code. In addition, graded, disturbed, or eroded areas that will not be permanently paved, covered by structure, or planted for a period over ninety (90) calendar days will be temporarily revegetated with a non-irrigated hydroseed mix, ground cover or equivalent material. Temporary irrigation systems may be used to establish the vegetation. All required revegetation and erosion control will be completed within ninety (90) calendar days of the completion of grading or disturbance. Therefore, the proposed development will be sited and designed to minimize any adverse impacts on adjacent environmentally sensitive lands.

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

Mitigation is required for project impacts that are considered significant under CEQA, including impacts to sensitive or listed species and sensitive vegetation communities. The proposed Project would have impacts to three sensitive vegetation communities: southern mixed chaparral, disturbed southern mixed chaparral, and non-native grassland. The total mitigation acreage required for the project is 0.12-acre, which will be satisfied through payment to the City's Habitat Acquisition Fund, as set forth in the Biological Resources Report for the Legacy International Center, San Diego, California, prepared by RECON Environmental, Inc., RECON, dated December 8, 2016 (Biological Report).

The proposed Project may also have direct and indirect impacts on nesting birds (i.e., Cooper's hawk) if construction is to occur during typical bird breeding season, which currently occurs between February 1st and September 15th. The Project intends to comply with the Migratory Bird Treaty Act of 1918 and the California Department of Fish and Wildlife Code Section 3503 to avoid and/or mitigate impacts on the breeding birds. The Project is required by permit condition, to perform, to the greatest extent feasible, any and all grading in the proposed area of disturbance outside of the breeding season. However, if that is not feasible, pre-construction surveys will be performed and, if nesting birds are identified, mitigation measures will be implemented to avoid impact to the breeding birds.

The Project is within the San Diego Very High Fire Hazard Severity Zone. Pursuant to Section 142.0412 of the SDMC, brush management is required to be performed on the Project premises to reduce fire hazard. However, all brush management for Zone 1 and Zone 2 areas for the proposed Project are outside and over one hundred (100) feet away from the Multiple Habitat Planning Area. Thus, impacts to covered species will be minimized.

A wetland delineation conducted on-site identified non-wetland waters within the southern half of the survey area. The non-wetland waters occur as upland vegetated ephemeral streambeds and impacts would occur to a portion of these ephemeral drainages. Mitigation for impacts to ephemeral waters would be achieved on-site through creation, restoration, and/or enhancement of drainage courses. Permits from the resource agencies would be required in order to authorize impacts to jurisdictional waters. No impacts to wetlands would occur.

Given these project feature and mitigation requirements, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

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

The proposed Project will implement water quality measures and best management practices to prevent adverse impacts to environments downstream from the site. These measures will aid in protecting public beaches and local shoreline sand supply. In addition, the Project site is approximately 2.5 miles from the Pacific Ocean and beaches. Therefore, the proposed Project will not contribute to the erosion of public beaches and/or adversely impact local shoreline sand supply.

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

The proposed Project will implement mitigation procedures to protect against potential impacts to biological resources, traffic, archeological and historic resources, and paleontological resources as well as prevent potential noise impacts and structure instability due to liquefiable soils.

To prevent impacts to biological resources, the Project will comply with the City of San Diego Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines, avoid disturbance during the raptor breeding season (or, if that's not feasible, will conduct preconstruction surveys and establish avoidance buffers if nesting birds are detected), and purchase 0.12 mitigation credits through the City's Habitat Acquisition Fund Program.

The Project results in a direct impact to the Hotel Circle South/I-8 eastbound ramps intersection. This will be mitigated through full-width dedication along the project frontage and construction of an additional eastbound and westbound lane with appropriate transitions to meet existing conditions at the western and eastern limits of the site. The Project results in a cumulative impact to the Hotel Circle North/I-8 westbound ramps. This would be mitigated through fair share contribution toward signalization and restriping of the intersection.

According to the Archaeological Resources Survey of the Legacy International Center, City of San Diego, prepared by RECON Environmental, Inc., RECON Number 6919, dated May 29, 2014 (the Archaeological Report), there have been some archaeological investigations and 27 cultural resources have been discovered within a one (1) mile radius of the proposed Project. There is a potential for subsurface prehistoric or historic deposits. Therefore, mitigation procedures, such as archaeological and Native American monitoring will be implemented to alleviate any potential negative impacts created by the proposed Project. These mitigation measures are tailored to the potential impacts of the project.

To prevent noise impacts, an acoustical study of proposed mechanical equipment will be prepared and appropriate mitigation measures implemented to ensure compliance with the City's noise ordinance.

The Project will mitigate liquefiable soils through the implementation of appropriate mitigation measures, such as deep foundations, ground improvements, and/or structural mitigations depending on final building plans and building loads. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonable related to, and calculated to alleviate, negative impacts created by the proposed development.

FINDINGS:

CONDITIONAL USE PERMIT SECTION 126.0305

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

The Project would include a maximum of 665 parking stalls (435 within a parking structure and 224 surface spaces) where 524 spaces are required. The Project will also include outdoor recreation amenities, hiking trails, a linear park, plazas, a water feature, and other accessory uses and amenities.

The project site, located in the Mission Valley Community Plan area, is designated as Commercial Recreation and zoned MVPD-MV-M/SP (Multiple Use Zone in the Mission Valley Planned District in a Specific Plan). The project site is located at 875 Hotel Circle South, south of Interstate 8, west of State Route 163, and east of Interstate 805. The site is urban and was previously developed for multiple uses within the Atlas Specific Plan, which was approved by the City of San Diego City Council, Resolution Number R-272571, dated December 13, 1988 ("Atlas Specific Plan") which permits the use of the property for the operation of a hotel. The site is presently used for a 202-room hotel, a 5,300-square-foot restaurant, and 1,200-square-foot liquor store. An eight-pump gas station and a gym

were also operated on the site until the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project.

The Project is proposing to continue to be designated as Commercial Recreation, but will no longer be governed by the Atlas Specific Plan. The Atlas Specific Plan sets forth a land use and urban design element for properties owned by Atlas Hotels, Inc. to ensure the orderly and integrated development of the affected parcels and sites. 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 no longer financially feasible because the plan relied on the coordinated phasing across the properties to be economically viable. Since the Atlas Specific Plan is no longer financially feasible, the Project is requesting an amendment to be removed from the Atlas Specific Plan. Once the site is removed from the Specific Plan, those regulations will no longer apply.

The Project will implement the policies of the Mission Valley Community Plan intended for the Project site. The objectives for commercial uses in the Mission Valley Community Plan applicable to this Project are: 1) encourage multi-use development in which commercial uses are combined or integrated with other uses; 2) encourage visitor-oriented commercial development; and 3) encourage new commercial development which relates (physically and visually) to existing adjacent development. The Legacy International Center will integrate a variety of uses including lodging, retail, entertainment, and recreational uses. These uses will be connected by open plazas and a pedestrian network. The Project will include visitor-oriented commercial development, such as a 127-room hotel, a restaurant, and a wellness center and has been designed to be compatible with the scale and massing of existing development in the area. The project will relate to existing adjacent development consisting of hotel and office properties currently ranging from two to ten stories in height. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed development will not be detrimental to public health, safety and welfare because the permits controlling the development and continued use of the proposed Project for this site contain specific conditions addressing the Project's compliance with the City's codes, policies, regulations and other regional, state, and federal regulations related to public health and safety. Conditions of approval require compliance with several operational constraints and developmental controls. Review of all construction plans and the final construction and provision of a linear park and steep hillside maintenance will ensure compliance with all regulations.

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 "D" DID, which allows for 380 gross trips per acre. Projects that exceed the threshold of 380 ADT per gross acre are required to be processed as a Community Plan Amendment and are required to 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 221 gross trips per acre, which is well below the 380 trip threshold. As such, the project is consistent with the development intensity provisions of the MVCP. Therefore the proposed development will not be detrimental to public health, safety and welfare.

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

The Planned Development Permit pursuant to SDMC Section 126.0602(b)(1) will allow a deviation to retaining wall height restrictions set forth in 142.0340(e) which restricts retaining wall heights to nine feet within required yards and 12 feet for walls outside the required yards. Section 142.0340 limits retaining walls to nine feet within required side yard and rear yards. Two walls are located within required setbacks and have maximum heights of 13.5 feet (Wall 11) and 14.0 feet (Wall 12). These walls are located within the rear setback adjacent to a parking lot and are required to avoid impacts to the abutting hillside and would not be visible from public viewpoints. The proposed retaining wall heights are necessary due to the hillside located at the rear of the site and the grade differential between the project site and the site to the east. The 14-foot (max.) wall is located at the rear portion of the site within the side setback between the subject site and the adjacent property to the east. This wall is required due to the significant grade differential between the properties and is necessary to avoid grading encroachments on the adjacent property. The other two retaining walls are located outside of required setbacks and have the following maximum heights: 17.5 feet (Wall 15, and 16.5 feet (Wall 16). These walls are located to the rear of the site and would be obscured from public viewpoints. They are located to the eastern side of the hotel building. There is a grade change of 45 feet on site and the requested deviations allow for site function and access. Raising the site to lower retaining wall heights would result in exceeding maximum grades for drive isles. The proposed development will comply with all other relevant regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. For additional information see Planned Development Permit Finding No. 3, above.

The Project as proposed complies with required setbacks, parking, landscaping regulations transportation, drainage and storm water requirements. Therefore, the proposed development will comply with the regulations of the land development code including any deviations pursuant to the land development code.

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

The Project will re-develop approximately 12.6 acres of an 18.1-acre property located in the Mission Valley community, within a built-out urban environment. The Project site is a previously developed site and is currently zoned MVPD-MV-M/SP (Multiple Use in a Specific Plan). The Project site currently contains a 202 room hotel, a 5,300 square foot restaurant, and a 1,200 square foot liquor store, and several additional buildings. An eight pump gas station and a gym were also operated on the site until in or around the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project. In this setting of existing development, the proposed Project functions as development of an infill site; reusing and repositioning obsolete and underutilized buildings with updated, aesthetically pleasing buildings with large portions of the Project to be used and enjoyed by the general public. The Project site has convenient access to an existing network of surface streets, freeways, and transit routes (e.g., bus and trolley); and all public utilities are in place to allow easy connections to serve the Project.

The theater is proposed within the Legacy Vision Center and would be within a completely enclosed building. It would not; therefore, interfere with the activities occurring on adjacent properties. The closest residential uses are located at the top of the steep hillsides to the south of the site. The use would not impact these residences. All parking would be provided on-site and there are no routes to get to the site from the residential neighborhood located at the top of the hill. The residential uses would continue to be isolated from the activities occurring within the valley below. Therefore, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council of the City of San Diego is hereby GRANTED by the City Council of the City of San Diego to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1162629, 1162655, 1162654, a copy of which is attached hereto and made a part hereof, contingent upon final passage of the R-_____ approving amendments to the General Plan, Mission Valley Community Plan, and Atlas Specific Plan and O-_____ rezoning the project site to the MVPC-MV-CV zone.

APPROVED: Mara W. Elliott, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

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: 24003955

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1162659/
CONDITIONAL USE PERMIT NO. 1162655/PLANNED DEVELOPMENT PERMIT NO. 1162654
LEGACY INTERNATIONAL CENTER, PROJECT NO. 332401, MMRP
CITY COUNCIL

This Site Development Permit No. 1162629/Conditional Use Permit No. 1162655/Planned Development Permit No. 1162654 is granted by the City Council of the City of San Diego to Morris Cerullo Legacy Center Foundation, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 143.0302, 126.0303 and 126.0306. The 18.13-acre site is located at 875 Hotel Circle South in the MVPD-MV-M/SP zone of the Mission Valley Community Plan. The project site is legally described as: Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the Mission Valley Resort Hotel and construct a congregation/museum space, a training center, executive offices, and a 127 room hotel as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project shall include:

- a. Five buildings: **1)** a 63,477-square-foot pavilion (with a restaurant, gift shops, learning center, theater, and wellness center); **2)** a 41,071-square-foot "Legacy Vision Center" building (with a welcome center, a dome theater, a museum, a gallery, and retail uses); **3)** a 7,783-square-foot outdoor plaza; **4)** a five story 88,120-square foot Legacy Village building containing 127-room hotel, a restaurant, and a wellness center; and **5)** a parking structure. The Project would include a minimum of 524 parking stalls with up to 665 parking stalls (435 within a parking structure and 224 surface spaces) provided at the discretion of the Owner/Permittee.
- b. Deviations for over height retaining walls: Wall 11- 13.5 feet maximum; Wall 12- 14.0 feet maximum; Wall 15- 17.5 feet maximum; and Wall 16- 16.5.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Retaining walls, pedestrian plazas, walkways, amphitheater, prayer garden, wailing wall, water feature and pedestrian trail; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____, 2020.
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. 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.

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

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in **Environmental Impact Report** No. 332401 SCH No. 2014081053, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in **Environmental Impact Report** No. 332401 SCH No. 2014081053, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Land Use, Biological, Traffic, Archeological/ Paleontological, MHPA, HVAC.

14. 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.

15. The 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."

16. The Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

17. Site Development Permit No.1162629/Planned Development Permit No. 1162654/Conditional Use Permit No. 1162655 shall comply with all Conditions of the Final Map for the Vesting Tentative Map No.1162656.

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

19. 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.

20. 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 connections into the Public storm drain system.

21. 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 improvements encroaching into the Public storm drain easements.
22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of two current City Standard 30-foot wide driveways, adjacent to the site on Hotel Circle South, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct curb, gutter and sidewalk, adjacent to the site on Hotel Circle South, satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate and improve an additional 33 feet on Hotel Circle South to provide a 43-foot centerline to property-line distance, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the Owner/Permittee shall grant to the City of San Diego a 5-foot-wide Public Access Easement, adjacent to the site on Hotel Circle South, satisfactory to the City Engineer.
26. Prior to the issuance of any building permits, the Owner/Permittee shall grant to the City of San Diego Public Storm Drain and Drainage easements, per approved Exhibit 'A', satisfactory to the City Engineer.
27. Whenever street rights-of-way, utility easements, and Public Access easements are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way and easements 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.
28. 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 install new street lights adjacent to the site on Hotel Circle South, satisfactory to the City Engineer.
29. 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.
30. 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 San Diego Municipal Code, into the construction plans or specifications.
31. 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."

32. 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.
33. The Owner/Permittee shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 2 feet.
34. 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.
35. This project proposes to construct nonresidential structures within the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1968 F. No work is allowed within the regulatory floodway. All 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. Otherwise, the structures must be floodproofed to a minimum of two feet above the BFE.
36. If the structures will be elevated on fill, such that the lowest adjacent grade is at or above the BFE, the applicant must obtain a Letter of Map Revision based on Fill (LOMR-F) prior to occupancy of the building. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA to process and approve the LOMR-F.
37. If the structures will be floodproofed, they 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.
38. The project proposes to import material to the project site. Any 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.
39. 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.
40. The Owner/Permittee shall assure, by permit, bond and As-built completion, the removal of portions of the existing Public Storm Drain system and construction of a current City Standard Public Storm Drain system per approved Exhibit "A," adjacent to the site on Hotel Circle South and in the City of San Diego Storm Drain Easements, satisfactory to the City Engineer.
41. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, 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.

42. 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.

Storm Drain Vacation Conditions:

43. The Subdivider shall assure, by permit, bond and As-built completion, the removal of portions of the existing Public Storm Drain system and construction of a current City Standard Public Storm Drain system per approved Exhibit 'A', adjacent to the site on Hotel Circle South and in the City of San Diego Storm Drain Easements, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

44. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, 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.

45. Prior to issuance of any engineering 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.

46. Prior to issuance of any construction permits for structures (including shell), 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 Office of the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

47. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department 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."

48. 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.

49. 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.

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

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

51. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.

52. The Brush Management Program shall be based on a standard Zone One of 35 feet in width and Zone Two of 65 feet in width, extending out from the structure towards the native/naturalized vegetation, consistent with the Brush Management Regulations of the Land Development Code, section 142.0412, exercising zone reduction provisions under 142.0412(f) and (i). Where the full defensible space cannot be provided, alternative compliance measures shall be applied to harden the structure beyond CBC 7A requirements to include upgraded openings with dual-glazed, dual-tempered panes.

53. Prior to issuance of any Engineering Permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

54. Prior to issuance of any Engineering Permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

55. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

56. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

57. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

58. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

59. 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.

60. Two view corridors identified on Exhibit "A" Site Plan as VC-1 and VC-2 shall be protected through the dedication of an air space easement. The view corridors shall be demonstrated with eye level at five feet having view access southwest from either Hotel Circle South or Interstate-8 freeway measuring 92 feet in width. View access directly south of Hotel Circle South shall measure at 117 feet in width.

61. 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 Steep Hillsides, 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."

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

63. 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:

64. 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 by the appropriate City decision maker in accordance with the SDMC.

65. Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall provide and maintain all elements of the Transportation Demand Management Plan listed in the CAP checklist including bikesharing, 50% subsidized transit passes, free shuttle service to/from major attractions

in San Diego, electric vehicle charging stations, on-site shower facilities, and preferential carpool/vanpool parking, satisfactory to the City Engineer.

66. Prior to issuance of the first building permit, the Owner/Permittee shall relocate, upgrade, and maintain the transit stop located on Hotel Circle South fronting the project (served by MTS Route 88), which includes a bus shelter, concrete bus pad, seating, lighting, and any other amenities in coordination with MTS, satisfactory to the City Engineer.

67. Prior to issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of an additional eastbound and westbound travel lane along the project frontage on Hotel Circle South, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to issuance of first occupancy permit.

68. Prior to issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the improvement of the project frontage along Hotel Circle South, with curb, gutter and five foot-wide noncontiguous sidewalk, and the construction of two driveways consistent with Standard Drawing SDG-163, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.

69. Prior to issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the closure of all non-utilized driveways along the project's frontage on Hotel Circle South with current City Standard curb and gutter, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.

70. Prior to issuance of the first building permit, the Owner/Permittee shall contribute a 3.5% fair share towards signaling and restriping Hotel Circle N./I-8 WB Ramps to mitigate the project's cumulative impact at this intersection, satisfactory to the City Engineer.

71. Permittee shall provide and maintain signage at both entrances to the onsite parking structure indicating through access to all areas of the site without having to use Hotel Circle South, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

72. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

73. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to grading permit close-out.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

74. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond the design and construction of all public water and sewer facilities as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and the City Engineer.

75. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction all public sewer facilities as required in the accepted sewer study for this project in a manner satisfactory to the Public Utilities Director and the City Engineer. Sewer facilities, as shown on the approved Exhibit "A", may require modification based on the accepted sewer study and final engineering.

76. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Director and the City Engineer.

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

78. 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), 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.

79. 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.

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

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

ATTACHMENT 8

- 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 Approved Resolution No. _____.

DRAFT

ATTACHMENT 8

Site Development Permit No. 1162629
Conditional Use Permit No. 1162655
Planned Development Permit No. 1162654
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Morris E. Dye
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.

Morris Cerullo Legacy Center Foundation. LLC
Owner/Permittee

By _____
Jim Penner
Executive Director

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

RESOLUTION NO. _____
VESTING TENTATIVE MAP WITH EASEMENT VACATIONS NO. 1162656
LEGACY INTERNATIONAL CENTER - PROJECT NO. 332401

WHEREAS, MORRIS CERULLO LEGACY CENTER FOUNDATION, LLC filed an application with the City of San Diego for a Vesting Tentative Map with easement vacations to redevelop the existing Mission Valley Resort property into a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses known as the Legacy International Center project, located at 875 Hotel Circle South, and legally described as Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955, in the Mission Valley Community Plan area, in the MVPD-MV-M/SP zone, which is proposed to be rezoned to the MVPD-MV-CV zone; and

WHEREAS, the Map proposes the subdivision of an 18.13-acre site into five commercial lots; and

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

WHEREAS, on May 11, 2017, the Planning Commission of the City of San Diego considered Vesting Tentative Map with easement vacations No. 1162656 and pursuant to Resolution No. _____-PC, the Planning Commission voted to recommend City Council _____ of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public

hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on _____ 2017, the City Council of the City of San Diego considered Vesting Tentative Map with easement vacations No. 1162656 pursuant to San Diego Municipal Code section(s) 125.0440, 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 Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1162656:

FINDINGS:

VESTING TENTATIVE MAP SECTION 125.0440

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

The Legacy International Center project (Project) will demolish the existing structures and parking lots, and construct a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses dispersed among five buildings:

- A 41,071-square-foot “Legacy Vision Center” building (with a welcome center, a dome theater, a museum, a gallery, and retail uses);
- A 63,477-square-foot pavilion (with a restaurant, gift shops, learning center, theater, and wellness center);
- A five-story, 88,120-square-foot Legacy Village building containing 127-room hotel, a restaurant, and a wellness center;
- A parking structure; and
- A 7,783-square-foot outdoor plaza.

The Project would include a maximum of 665 parking stalls (435 within a parking structure and 224 surface spaces) where 524 spaces are required. The Project will also include outdoor recreation amenities, hiking trails, a linear park, plazas, a water feature, and other accessory uses and amenities.

The Project would also provide pedestrian plazas and walkways, an amphitheater, prayer garden, wailing wall, and water feature. A linear green space with a pedestrian pathway, shade trees, drought tolerant landscaping, and shaded seating would provide passive recreation opportunities. A pedestrian trail would also be provided along an existing bench that traverses the southern portion of the hillside. This trail would include an overlook area and provide interpretive signage regarding the history of Mission Valley. Signage would also be provided along the project frontage to invite people into the site and direct them to the public amenities (e.g. the pedestrian plazas, hillside trail, and amphitheater area).

The project site, located in the Mission Valley Community Plan area, is designated as Commercial Recreation and zoned MVPD-MV-M/SP (Multiple Use Zone in the Mission Valley Planned District in a Specific Plan). The site is located at 875 Hotel Circle South, San Diego, California. The site is urban and was previously developed for multiple uses within the Atlas Specific Plan, which was approved by the City of San Diego City Council, Resolution Number R-272571, dated December 13, 1988 ("Atlas Specific Plan") which permits, among other things, the use of the property for the operation of a hotel. The site is presently used for a 202 room hotel, a 5,300 square foot restaurant, and 1,200 square foot liquor store. An eight pump gas station and a gym were also operated on the site until the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project. Located along Hotel Circle South, the Project site is south of Interstate 8, west of State Route 163, and east of Interstate 805.

The Project is proposing to continue to be designated as Commercial Recreation, but will no longer be governed by the Atlas Specific Plan. The Atlas Specific Plan sets forth a land use and urban design element for properties owned by Atlas Hotels, Inc. to ensure the orderly and integrated development of the affected parcels and sites. Since the Project will demolish the existing hotel, the Project is requesting an amendment to be removed from the Atlas Specific Plan. The land use and development restrictions in the Atlas Specific Plan are specifically related to the hotel uses on the property and are not applicable or appropriate for the Project. Once the site is removed from the Specific Plan, those regulations will no longer apply. However, the Project intends to meet the underlying objectives of the Atlas Specific Plan of balanced circulation with ample opportunities for alternative modes of transportation, including light rail transit, bus, bicycle and pedestrian movement, and improved streetscape design. Improved streetscape design will be achieved through the provision of parks and open spaces, utilizing native, drought resistant plants and trees, and maintaining large portions of the steep hillsides, which will continue to be visible from Interstate 8 and Hotel Circle South.

The Project will implement the policies of the Mission Valley Community Plan intended for the Project site. The objectives for commercial uses in the Mission Valley Community Plan applicable to this Project are: 1) encourage multi-use development in which commercial uses are combined or integrated with other uses; 2) encourage visitor-oriented commercial development; and 3) encourage new commercial development which relates (physically and visually) to existing adjacent development. The Legacy International Center would integrate a variety of uses including lodging, retail, entertainment, and recreational uses. These uses would be connected by open plazas and a pedestrian network. The Project would include visitor-oriented commercial development, such as a 127-room hotel, a restaurant, and a wellness center. The Project would also relate to existing adjacent development made up of hotel and office properties that currently ranges from two to five stories. It has been designed to be compatible with the scale and massing of existing development in the area.

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 "D" DID, which allows for 380 gross trips per acre. Projects that exceed the threshold of 380 ADT per gross acre are required to be processed as a Community Plan Amendment and are required to 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 221 gross trips per acre, which is well below the 380 trip threshold. As such, the project is consistent with the development intensity provisions of the MVCP. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals and objectives of the applicable land use plan.

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 Planned Development Permit pursuant to SDMC Section 126.0602(b)(1) will allow a deviation to retaining wall height restrictions set forth in 142.0340(e) which restricts retaining wall heights to nine feet within required yards and 12 feet for walls outside the required yards. Section 142.0340 limits retaining walls to nine feet within required side yard and rear yards. Two walls are located within required setbacks and have maximum heights of 13.5 feet (Wall 11) and 14.0 feet (Wall 12). These walls are located within the rear setback adjacent to a parking lot and are required to avoid impacts to the abutting hillside and would not be visible from public viewpoints. The proposed retaining wall heights are necessary due to the hillside located at the rear of the site and the grade differential between the project site and the site to the east. The 14-foot (max.) wall is located at the rear portion of the site within the side setback between the subject site and the adjacent property to the east. This wall is required due to the significant grade differential between the properties and is necessary to avoid grading encroachments on the adjacent property. The other two retaining walls are located outside of required setbacks and have the following maximum heights: 17.5 feet (Wall 15, and 16.5 feet (Wall 16). These walls are located to the rear of the site and would be obscured from public viewpoints. They are located to the eastern side of the hotel building. There is a grade change of 45 feet on site and the requested deviations allow for site function and access. Raising the site to lower retaining wall heights would result in exceeding maximum grades for drive isles. The proposed development will comply with all other relevant regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. For additional information see Planned Development Permit Finding No. 3, above.

The Project as proposed complies with required setbacks, parking, landscaping regulations transportation, drainage and storm water requirements. Therefore, the proposed development will comply with the regulations of the Land Development Code including any deviations pursuant to the Land Development Code.

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

The Project will re-develop approximately 12.6 acres of an 18.13-acre property located in the Mission Valley community, within a built urban environment. The project site is a previously developed site and is currently zoned MVPD-MV-M/SP (Multiple Use in a Specific Plan). The Project site currently

contains a 202-room hotel, a 5,300-square-foot restaurant, and a 1,200-square-foot liquor store, and several additional buildings. An eight-pump gas station and a gym were also operated on the site until the spring of 2013. Commercial and hotel developments exist east and west of the Project site and across Interstate 8, north of the Project. In this setting, the proposed Project functions as development of an infill site; reusing and repositioning buildings with updated structures with portions of the Project to be accessed by the general public. The Project site has convenient access to an existing network of surface streets, freeways, and transit routes (e.g., bus and trolley) and all public utilities are in place to allow connections to serve the Project.

The Project is limited to areas of the site that have been previously graded or disturbed. Technical reports prepared for the Project demonstrate that the site is physically suitable for the proposed development. No grading into areas qualifying as Environmentally Sensitive Lands (ESL) Steep Hillsides will occur.

A hotel and other structures exist on the site today and the project will also provide a new hotel and other structures within the same project footprint. Therefore, the site is physically suitable for the proposed type and intensity 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.

An Environmental Impact Report No. 332401 and findings have been prepared for the Project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) has been provided and will be implemented which will reduce, to a level of insignificance, the potential impacts identified in the environmental review process.

Regarding biological resources, the Project will have impacts to two sensitive vegetation communities: disturbed southern mixed chaparral and non-native grassland. Mitigation for impacts to these vegetation communities may be achieved by payment into the City of San Diego Habitat Acquisition Fund. No sensitive plant species were observed within the survey area. No direct impacts to sensitive wildlife species would occur. The project would comply with the Migratory Bird Treaty Act of 1918 and California Department of Fish and Wildlife Code 3503. Potential direct and indirect impacts to bird species would be avoided through implementation of pre-construction surveys if work were to be conducted during the breeding season. If nesting birds are identified, then mitigation measures to avoid impacts to these breeding birds would be implemented. A wetland delineation conducted on-site identified non-wetland waters within the southern half of the survey area. The non-wetland waters occur as upland vegetated ephemeral streambeds and impacts would occur to a portion of these ephemeral drainages. Mitigation for impacts to ephemeral waters would be achieved on-site through creation, restoration, and/or enhancement of drainage courses. Permits from the resource agencies would be required in order to authorize impacts to jurisdictional waters. No impacts to wetlands would occur. No grading into areas qualifying as Environmentally Sensitive Lands (ESL) Steep Hillsides will occur.

While the proposed project would be developed partially within the 100-year floodplain, the project design includes waterproofing of structures within the floodplain. Development of the proposed

project would maintain the same drainage characteristics in the post-project condition as compared to the pre-project conditions. In addition, the proposed storm drain system upgrades would be designed to reduce the potential for on- and off-site flows to exceed the capacity of the storm drain system and result in local flooding. Development of the project would not cause significant flooding impacts on-site or to upstream or downstream properties, nor would it have a significant effect on local or global drainage patterns. Impacts related to flood hazards would be less than significant. Therefore, 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. Therefore, 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.

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

The proposed development will not be detrimental to public health, safety and welfare because the permits controlling the development and continued use of the proposed Project for this site contain specific conditions addressing the Project's compliance with the City's codes, policies, regulations and other regional, state, and federal regulations related to public health and safety. Conditions of approval require compliance with several operational constraints and developmental controls such as control of drive aisle and parking space width, provision of Brush Management Zones, and closure of non-utilized driveways. Review of all construction plans and the final construction and provision of a linear park and steep hillside maintenance will ensure compliance with all regulations. Therefore the proposed development will not be detrimental to 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 site contains easements acquired by the public at large for access through or use of property within the proposed subdivision that will be vacated on the Vesting Tentative Map. In addition, the Project proposes to grant a public access easement along the pathway that transcends the linear greenbelt along the project frontage. The Project would also provide full-width dedication (varying width up to 28 feet) along the project frontage and would construct an additional eastbound and westbound travel lane along Hotel Circle South. Existing conditions would be matched at the western and eastern limits of the site with appropriate transitions. In addition, a public access easement would be granted along the proposed trail along the base of the southern hillside leading to an overlook area. The trail generally follows an existing sewer easement (to be vacated). This trail/overlook area will include some interpretive signage that may provide information regarding the history of Mission Valley. Therefore, 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.

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

The design of the subdivision, the Project and related site improvements, will provide, to the extent feasible, for future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land and has located development within previously disturbed areas. Each structure to be constructed on the site 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. Therefore, the design of the proposed subdivision provides, 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 site is located within a Commercial-Recreation designation and was not planned for residential use. The Project is proposed on a previously developed site, which currently contains a 202-room hotel, a 5,300-square-foot restaurant, and a 1,200-square-foot liquor store, and several additional buildings. An eight pump gas station and a gym were also operated on the site until in or around the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project. In this setting, the proposed Project functions as development of an infill site; reusing and repositioning obsolete and underutilized buildings with updated, aesthetically pleasing buildings with large portions of the Project to be used and enjoyed by the general public. The proposed use is consistent with the surrounding visitor-serving uses. The Project site has convenient access to an existing network of surface streets, freeways, and transit routes (e.g., bus and trolley); and all public utilities are in place to allow easy connections to serve the Project. All public utilities are available to the project site. The Project will provide additional retail uses on the site, which will increase the tax base in the community. Therefore, 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 above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the easement vacations located within the project boundaries as shown in Vesting Tentative Map No. 1162656, shall be vacated, contingent upon the recordation of the 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 public easement, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

The 18.13-acre project site, located at 875 Hotel Circle South contains public easements to be vacated:

- 1) Along Hotel Circle South, a 25-foot wide area reserved for a future street which was offered and rejected, as shown on Map 3347, is proposed to be vacated. Per Map 3347, a rejected offer of dedication shall remain open and subject to future acceptance by the City of San Diego. The Project proposes to replace this 25-foot wide strip of land with a new proposed right-of-way line that generally maintains the area reserved for future road widening with a configuration that improves functionality with the layout of the proposed Project and the alignment of Hotel Circle South.
- 2) Along the eastern side of the project site, an approximately 10-foot wide storm drain easement is proposed to be vacated. This easement is no longer necessary as the storm drain is being relocated. (Easement No. 5 on Sheet C-2).
- 3) Along the eastern side of the project site, a portion of an approximately 15-foot wide storm drain easement is proposed to be vacated. This portion of the easement is no longer necessary because the storm drain is being relocated. (Easement No. 9 on Sheet C-2).
- 4) Portions of an easement for storm drains, water, and sewers located along the eastern part of the Project site is proposed to be vacated. These portions of the easement are no longer necessary because utilities are being relocated or removed. (Easement No. 19 on Sheet C-2).
- 5) Portions of an easement for an approximately 10-foot wide sewer an easement are proposed to be vacated. This easement is no longer necessary because sewer main will be abandoned and no longer in use. (Easement No. 12 on Sheet C-2).
- 6) Along the rear of the Project site, portions of the existing open space easement are proposed to be vacated. These areas encompass approximately 0.013 acres. However, a new proposed covenant of easement would be dedicating additional open space, resulting in a net gain of 0.22 acres. (Easement No. 17 on Sheet C-2).
- 7) A portion of an existing sewer easement is proposed to be vacated. This easement is no longer necessary because there is no public sewer in that location. (Easement No. 19 on Sheet C-2).

As the portions of the easements to be vacated are either being replaced or the easements are being relocated, there is no present or prospective use for the public easement, either for the 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 action through improved use of the land made available by the vacation.

The area to be vacated along Hotel Circle South would be replaced by a new proposed right-of-way line that generally follows the existing area to be reserved for future street widening. The proposed right-of-way is sufficient to permit Hotel Circle South to expand to a four-lane roadway. It also accommodates a bus stop. The Project has been designed to be pedestrian-friendly with a non-contiguous sidewalk within a linear green space along the project frontage, which is approximately 22,000 square feet in excess of the required street yard area planting.

The utility easements are being vacated because existing utilities are being removed as part of the proposed Project. Therefore, the easements are no longer needed. Some utilities are being relocated and new easements are being provided and other easements are being removed and no replacement is needed. The benefit provided is the removal of unnecessary utility easements where they are not needed because there is no public use and a reduced liability to the City of San Diego.

The portions of the open space easements being vacated are necessary for implementation of the proposed Project. However, the public will benefit as an additional land (0.22 acres) will be added to the open space as part of the new covenant of easement.

11. The vacation is consistent with any applicable land use plan.

The Legacy International Center project (Project) will demolish the existing structures and parking lots and construct a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses dispersed among three buildings: 1) a 63,477 square foot pavilion (with a restaurant, gift shops, learning center, and theater), 2) a 41,071 square foot "Legacy Vision Center" building (with a welcome center, a dome theater, a museum, a gallery, and retail uses), and 3) a 7,783 square foot outdoor plaza, and a five story 88,120 square foot Legacy Village building containing 127 room hotel, a restaurant, and a wellness center. The Project would include a minimum of 524 parking stalls, up to a maximum of 665 parking stalls (435 within a parking structure and 224 surface spaces).

The Project would also provide pedestrian plazas and walkways, an amphitheater, prayer garden, wailing wall, and water feature. A linear green space with a pedestrian pathway, shade trees, drought tolerant landscaping, and shaded seating would provide passive recreation opportunities. Signage would also be provided along the project frontage to invite people into the site and direct them to the public amenities (e.g. the pedestrian plazas, and amphitheater area).

The Project site, located in the Mission Valley Community Plan area, is designated as Commercial Recreation and zoned MVPD-MV-M/SP (Multiple Use Zone in the Mission Valley Planned District in a Specific Plan). The site is located at 875 Hotel Circle South, San Diego, California. The site is urban and was previously developed for multiple uses within the Atlas Specific Plan, which was approved by the City of San Diego City Council, Resolution Number R-272571, dated December 13, 1988 (Atlas Specific Plan) which permits, among other things, the use of the property for the operation of a hotel. The site is presently used for a 202 room hotel, a 5,300 square foot restaurant, and 1,200 square foot liquor store. An eight pump gas station and a gym were also operated on the site until in or around the spring of 2013. Commercial and hotel developments occur east and west of the Project site and across Interstate 8, north of the Project. Located along Hotel Circle South, the Project site is south of Interstate 8, west of State Route 163, and east of Interstate 805.

The Project is proposing to continue to be designated as Commercial Recreation, but will no longer be governed by the Atlas Specific Plan. The Atlas Specific Plan sets forth a land use and urban design element for properties owned by Atlas Hotels, Inc. to ensure the orderly and integrated development of the affected parcels and sites. Although the site would be removed from the Specific Plan, the Project intends to meet the underlying objectives of the Atlas Specific Plan of balanced circulation with ample opportunities for alternative modes of transportation, including light rail transit, bus, bicycle and pedestrian movement and improved streetscape design. Improved streetscape design will be achieved through the provision of parks and open spaces, utilizing native, drought resistant plants

and trees, and maintaining large portions of the steep hillsides, which will continue to be visible from Interstate 8 and Hotel Circle South.

The Project will implement the policies of the Mission Valley Community Plan intended for the Project site. The objectives for commercial uses in the Mission Valley Community Plan applicable to this Project are: 1) encourage multi-use development in which commercial uses are combined or integrated with other uses; 2) encourage visitor-oriented commercial development; and 3) encourage new commercial development which relates (physically and visually) to existing adjacent development. The Legacy International Center would integrate a variety of uses including lodging, retail, entertainment, and recreational uses. These uses would be connected by open plazas and a pedestrian network. The Project would include visitor-oriented commercial development, such as a 127-room hotel, a restaurant, and a wellness center. The Project would also relate to existing adjacent development. The Project would range in height, from two to five stories, which is consistent with surrounding development, which consists of hotel and office properties that range from two to ten stories. It has been designed to be compatible with the scale and massing of existing development in the area.

The proposed vacation of the offer to dedicate a 25-foot wide area along Hotel Circle South is being replaced by a new proposed right-of-way line. This new right-of-way allows Hotel Circle South to be widened to a four lane road as planned in the current Mission Valley Community Plan. The other public easement vacations are necessary in order to implement the Project and 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 vacation or the purpose for which the easement was acquired no longer exists.

The proposed vacation of the offer to dedicate a 25-foot wide area along Hotel Circle South is being replaced by a new proposed right-of-way line. This new right-of-way allows Hotel Circle South to be widened to a four lane road as planned in the current Mission Valley Community Plan.

The utility easements are being vacated because existing utilities are being removed as part of the proposed Project. Therefore, the easements are no longer needed. Some utilities are being relocated and new easements are being provided, others are being removed and no replacement is needed. The benefit provided is the removal of unnecessary utility easements where they are not needed because there is no public use and a reduced liability to the City of San Diego.

The portions of the open space easements being vacated are necessary for implementation of the proposed Project. However, the public will benefit as an additional land (0.22 acres) will be added to the open space as part of the new covenant of easement.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council of the City of San Diego, Vesting Tentative Map with easement vacations No. 1162656 are hereby GRANTED by the City Council of the City of San Diego to the referenced Owner/Permittee, subject to the attached conditions which are made a part of this Resolution by this reference, contingent upon final passage of the R-_____ approving amendments to the General Plan, Mission Valley

ATTACHMENT 9

Community Plan, and Atlas Specific Plan and O- _____ rezoning the project site to the MVPC-MV-CV zone.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

ATTACHMENT: Vesting Tentative Map and Easement Vacation Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1162656
LEGACY INTERNATIONAL CENTER - PROJECT NO. 332401, MMRP
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire on _____.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid 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.
4. The Vesting Tentative Map shall conform to the provisions of Site Development Permit No. 1162659, Conditional Use Permit No. 1162655, Planned Development Permit No. 1162654.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AIRPORT

6. Prior to recordation of the, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

MAPPING

7. "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].

8. "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."
9. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to Section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.
10. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS '83), Zone 6, pursuant to Section 8801 through 8819 of the California Public Resources Code.
11. 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.

WATER/WASTEWATER

12. The Subdivider shall grant water and sewer easements, as shown on the approved Tentative Map Exhibit "A," satisfactory to the Public Utilities Director and the City Engineer.
13. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the sewer easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
14. Prior to the recording of the Final Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

PLANNING

15. 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," 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/BRUSH MANAGEMENT

16. Prior to recordation of the Final Map, the Owner/Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit 'A.' These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

INFORMATION:

- The approval of this 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. 24006955.

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on August 13, 2013 Morris Cerullo Legacy Center Foundation submitted an application to Development Services Department for a General Plan, Mission Valley Community Plan and Atlas Specific Plan Amendment, Vesting Tentative Map with easement vacations, Site Development Permit (SDP), Planned Development Permit (PDP), Conditional Use Permit (CUP) and Rezone for the Legacy International Center (Project); and

WHEREAS, the project site is located at 875 Hotel Circle South and legally described as: Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955, in the Mission Valley Community Plan area; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, 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 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. 332401 SCH No. 2014081053 (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, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City 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 DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or 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 after final passage of the ordinance associated with the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By: _____

Corrine Neuffer
Deputy City Attorney

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

EXHIBIT A

MISSION VALLEY COMMUNITY PLAN/ATLAS SPECIFIC PLAN AMENDMENT, VESTING TENTATIVE MAP
(VTM), SITE DEVELOPMENT PERMIT (SDP), PLANNED DEVELOPMENT PERMIT (PDP), REZONE, and
CONDITIONAL USE PERMIT (CUP)
PROJECT NO. 332401

Legacy International Center Project

CANDIDATE'S CEQA FINDINGS OF FACT

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I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs §§ 15000, et seq.) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. It is the role of staff to independently evaluate the proposed candidate findings and to make a recommendation to the decision-maker regarding their legal adequacy. Specifically, regarding findings, CEQA Guidelines section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR; (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in CEQA Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

The following Candidate Findings of Fact have been submitted by the Applicant as Candidate Findings of Fact (Findings) to be made by the decision-making body. The Development Services Department (DSD), Environmental Analysis Section (EAS) does not recommend that the decision-making body either adopt or reject these Findings. They are attached to allow readers of this report an opportunity to review the Applicant's position on this matter. It is the exclusive discretion of the decision-maker certifying the Final EIR to determine the adequacy of the proposed Findings.

Having received, reviewed, and considered the Final EIR for the Legacy International Center Project, State Clearinghouse No. 2014081053, as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

A. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;

- Comments received on the NOP;
- Scoping Meeting and comments received at the Scoping Meeting;
- The Draft EIR for the proposed project;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the responses to public comments;
- All documents, studies, EIRs, or other materials incorporated by reference or cited to in the Draft EIR and the Final EIR;
- All supplemental documents prepared for the Final EIR and submitted to the San Diego City Council (City Council) prior to the City Council hearing;
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings;
- City staff report(s) prepared for the hearing related to the proposed project and any exhibits thereto;
- Project permit conditions; and
- Any other relevant materials required to be in the record of proceedings by CEQA section 21167.6(e).

The Draft EIR and related technical studies were made available for review during the public review period at <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml> as well as at the following public libraries:

Mission Hills Branch Library
925 Washington Street
San Diego, California 92103

Mission Valley Library
2123 Fenton Parkway
San Diego, California 92108

B. Custodian and Location of Records

The documents and other materials, which constitute the administrative record for the City's actions related to the project, as detailed in Section I.A. above, are located at City of San Diego Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, California 92101. The City Development Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant and required times have been and will be available upon request at the offices of the City Development Services Department. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The project site is located within the City of San Diego jurisdiction, south of Interstate 8 (I-8), east of Interstate 5 (I-5), and west of State Route 163 (SR-163). The project site consists of two parcels at 875 Hotel Circle South (Assessor's Parcel Numbers 444-060-10 and 444-060-11). At the time the NOP was completed, the site was developed as the Mission Valley Resort Hotel.

The 18.1-acre project site is within the Mission Valley Community Plan area in the central portion of the City. The Mission Valley Community Plan area encompasses 3,210 acres and is generally bounded by Friars Road and the northern slopes of the valley on the north, the eastern banks of the San Diego River on the east, the southern slopes of the valley on the south, and I-5 on the west.

B. Project Description

The project would redevelop the existing Mission Valley Resort Hotel property to construct the Legacy International Center, which would include a welcoming center, catacombs, history center, pavilion, timeshare village, executive offices, amphitheater, and the central plaza. To support these uses, religious and inspirational features, parking, landscaping, and infrastructure improvements are also proposed.

Demolition and Grading

The project would involve the demolition of the existing hotel, covering approximately 13 acres of the 18.1-acre site. Grading would include 51,420 cubic yards of cut and 53,398 cubic yards of fill, which would not result in an export of cut material. Maximum cut depths would be 27 feet and maximum fill depths would be 14 feet. Grading for the project is shown in Final EIR Figure 3-3. Retaining walls are proposed in several locations as detailed in Final EIR Table 3-3.

Project's Component Parts

The mixed-use development would include various buildings ranging in height from subterranean to a maximum of 65 feet in height. The project would provide religious, lodging, administrative, recreational, and commercial uses. The project's component parts are detailed in Final EIR Section 3.4 (complete breakdown in Final EIR Table 3-1), shown in Final EIR Figure 3-1, and summarized in the following paragraphs:

- Legacy Vision Center (Building 1): The 41,071-square-foot Legacy Vision center would be a two-level building in the northeastern portion of the site. The building would contain a welcome center and grand lobby (8,459 square feet), a history dome theater/artifact museum (6,206 square feet), an exhibit gallery (16,185 square feet), a retail shop (1,096 square feet), catacombs (3,390 square feet), circulation components (1,137 square feet), and back of house (BOH)/public facilities (4,598 square feet).
- Pavilion (Building 2): The proposed two-level 63,447-square-foot Pavilion building would be located in the western area of the site. The Pavilion would contain its own grand lobby (2,828 square feet) as well as a theater (12,106 square feet), a learning center (13,844 square feet), retail (1,052 square feet), a restaurant (4,719 square feet), and BOH/circulation (12,097 square feet). The upper floor would contain executive offices (16,801 square feet).

- Legacy Village Hotel (Building 3): The Legacy Village Hotel would include 127 hotel units within a five-story building. The village would be located in the southern area of the site at a higher elevation than the other buildings and would be furthest from Hotel Circle South. The building would include a 3,850-square-foot restaurant, as well as a 2,517-square-foot wellness center with a spa, and fitness and therapy areas. The hotel and associated laundry and housekeeping areas would total 81,753 square feet. The building would be 65 feet in height (111 feet above mean sea level). The hotel would include a gathering space for small events.
- Parking (Building 4 and Surface Lots): The project would exceed the minimum of 524 parking stalls (approximately 300 in the parking structure and 224 surface stalls), with a target of 665 spaces. The project includes a total of 659 parking spaces consisting of surface parking and a parking structure. A total of 224 surface parking spaces (including 15 accessible and 4 van accessible spaces) would be provided throughout the site. The proposed 435-space parking structure would include up to three levels above ground and would be located in the southwestern portion of the site.
- Souk (Building 5): The 7,783-square-foot souk, an outdoor open-air market, would include a non-permanent kiosk for retail and informational uses.
- Outdoor Areas: As the project's purpose is to provide a destination for religious tourism, the project includes several community, religious and inspirational features. These features consist of a central plaza, a city plaza, a replica wailing wall, a water feature, a prayer garden, and a pedestrian trail. The city plaza and central plaza would be open areas that would allow for informal outdoor community space and encourage pedestrian circulation between project components. The western wailing wall and a water feature would be located adjacent to the souk. The 2,542-square-foot water feature would include light-emitting diode (LED) lighting effects, and could be used without water during state-mandated water conservation drought conditions. In addition, there would be a pedestrian trail culminating in a vista (a viewing area) along the south side of the site within the portion of the hillside that has been previously disturbed due to a sewer bench. These features are considered ancillary uses.

Infrastructure

The project would use existing infrastructure to the greatest extent feasible with additional infrastructure improvements to service the project. The project would construct access changes, frontage improvements to Hotel Circle South, sewer connections, water line upgrades and connections, and storm drain improvements.

Pedestrian Access and Circulation

The project's pedestrian circulation plan is shown in Final EIR Figure 3-4 and includes internal walkways, as well as connectivity from the non-contiguous sidewalk along Hotel Circle South to the trails to the south (see Final EIR Section 3.4.6.4 for details of the proposed pedestrian connections).

Roadway Improvements

Final EIR Figure 3-6 shows details of all proposed roadway improvements. The primary improvements include the following.

- Access to the project site would be from two driveway points on Hotel Circle South. Improvements to Hotel Circle South along the project frontage would entail widening the roadway from the existing two-lane roadway to its classification of a four-lane Collector.
- Dedicated turn lanes for eastbound traffic would be located at the freeway on-ramp and at the eastern project driveway, and westbound dedicated turn lanes would be provided into the project's western project driveway.
- Existing bike lanes would be retained, but would be widened from their existing 3-to-4-foot width up to a 6-foot width.

Other Project Design Features

The project includes several types of lighting, such as security lighting, landscape lighting, and structure lighting (see Final EIR Section 3.4.4).

Heavy landscaping is proposed along Hotel Circle South (linear greenbelt), throughout the parking lot, and around the village timeshare. Landscaping would also be focused along walkways to promote pedestrian use. Landscape screening of retaining walls and landscaping within the parking areas would also be provided. Details of the Landscape Plan are shown in Final EIR Figure 3-7a, and the plant palette is shown in Final EIR Figure 3-7b.

Because the project proposes structures to be included within 100-feet of natural vegetation, a Brush Management Plan is included as part of the project. The proposed Brush Management Plan is detailed in Final EIR Figure 3-8 and would comply with the City's brush management requirements.

C. Discretionary Actions

The following discretionary actions are being considered by the City Council with advisory votes by the Planning Commission:

- Community Plan Amendment
- Atlas Specific Plan Amendment (removal of the site from the Atlas Specific Plan)
- Rezone from MVPD-MV-M/SP to MVPD-MV-CV
- Site Development Permit (SDP)
- Planned Development Permit (PDP)
- Conditional Use Permit (CUP)
- Vesting Tentative Map (VTM)

D. Statement of Objectives

The primary objectives of the proposed project are:

1. To become an internationally celebrated destination for religious tourism.
2. To provide a mix of lodging, retail, entertainment, recreational, and administrative/office uses that will provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing driveway trips and overall vehicle miles traveled relative to a single-use project.
3. To create a unique project that introduces iconic architecture to Mission Valley.
4. To preserve significant environmental resources and steep hillsides by conforming to the previous development footprint to the extent possible.
5. To invite pedestrian activity through the provision of walkways/trails, a linear greenbelt with a water feature, and courtyards/plazas.

6. To reduce automobile reliance by offering a shuttle service to transport visitors to and from major transportation hubs as well as other popular San Diego tourist destinations.
7. To support the City's sustainable and infill development goals by redeveloping and intensifying an existing underutilized and auto-dominated site.
8. Create both temporary construction jobs and a net increase in permanent jobs as compared to the existing use.

The City has considered the statement of objectives sought by the proposed project as found in Section 3.1 of the Final EIR. The City hereby adopts these objectives as part of the proposed project.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In accordance with CEQA Guidelines Section 15082, the City distributed an NOP of a Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on August 18, 2014 for a 30-day public comment period. Various agencies and other interested parties responded to the NOP. In addition, a public scoping meeting was held on September 3, 2014. The City's NOP and comments are included in the Final EIR as Appendix A.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a public review period that began on November 30, 2015 and concluded on January 15, 2016. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse, Office of Planning and Research (SCH No. 2014081053). A Notice of Availability of the Draft EIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the City Clerk and published in the *San Diego Daily Transcript*. The City received comments on the proposed project. Those responses to comments have been incorporated into the Final EIR.

On May 11, 2017, the City of San Diego Planning Commission (Planning Commission) held a public hearing on the proposed project. The Planning Commission recommended _____.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to CEQA Guidelines sections 15050 and 15051, the City is the “Lead Agency” for the proposed project.
- The Draft EIR and Final EIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
- The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City.
- An MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the proposed project.
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- Pursuant to Senate Bill 18, the City provided consultation opportunity with Native American tribes, as relevant.

- The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts associated with the proposed project. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR.
- The responses to comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the environmental analyses therein.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed project.
- Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

V. FINDINGS REQUIRED UNDER CEQA

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects[...].” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects. CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR” (CEQA Guidelines Section 15091(a)(1)). The second permissible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines Section 15091(a)(2)). The third potential conclusion is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR” (CEQA Guidelines Section 15091(a)(3)). CEQA Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations (see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565).

The concept of “feasibility” also relates to whether a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (see *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*Ibid*).

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. CEQA Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if

there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (CEQA Section 21002).

For purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-527, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level or has simply been substantially lessened but remains significant. Moreover, although CEQA Guidelines Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the exclusive jurisdiction and responsibility for modifying the project lies with some other agency (CEQA Guidelines, § 15091, subd. (a), (b), (c)).

Legal Effects of Findings

To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed project.

The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated both through the process of constructing and implementing the proposed project.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

As required by CEQA Section 21081.6 (a)(1), the City, in adopting these Findings, also concurrently adopts an MMRP. The program is designed to ensure that during project implementation, all responsible parties comply with the feasible mitigation measures identified below. The MMRP is described in Chapter 10 of the Public Review EIR, Mitigation Monitoring and Reporting Program. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will be available for the public to review by request during the mitigation compliance period, which is ongoing following project approval through buildout of the project.

The monitoring program will serve the dual purpose of verifying completion of the mitigation measures for the project and generating information on the effectiveness of the mitigation measures to guide future decisions.

VII. SUMMARY OF IMPACTS

The Final EIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. The Final EIR concludes that implementation of the project would result in **significant impacts that would be mitigated to below a level of significance** with respect to the following issue areas: Land Use (MHPA Adjacency), Transportation/Circulation (Traffic Capacity – Intersections), Historical Resources (Archaeological), Biological Resources (Sensitive Species/Sensitive Habitat/MHPA Adjacency), Paleontological Resources, and Noise (Noise Generation – HVAC). All significant project impacts would be mitigated to below a level of significance.

VIII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

A. Impacts Mitigated to Less-Than-Significant Levels

1. Land Use

Thresholds of Significance Issue 4: MSCP and MHPA Consistency

Pursuant to Issue 4, a significant impact would occur if the proposed project resulted in a conflict with adopted environmental plans, including the City's Multiple Species Conservation Program (MSCP) Subarea Plan and the Multi-Habitat Planning Area (MHPA) adopted for the purpose of avoiding or mitigating an environmental effect for the area.

Impacts

As shown in Final EIR Figure 4.1-1, the property is adjacent to MHPA on the southeastern corner, and a small portion of the project site along the southern perimeter is within the MHPA. Due to the site's location in relation to the MHPA, construction activity from the development of the project has a potential to significantly impact adjacent habitat.

Explanation

The MHPA has been designed to maximize conservation of sensitive biological resources, including sensitive species. When land is developed adjacent to the MHPA, there is a potential for indirect impacts, or edge effects, that may degrade the habitat value or disrupt animals within the preserve area.

Significant impacts due to project adjacency to the MHPA could be long term in nature. The project would be required to adhere to the City's MHPA Land Use Adjacency Guidelines that contain policies related to controlling edge effects on the MHPA. As detailed in Final EIR Section 4.1.5.1, the project has been designed to MHPA adjacency standards related to drainage, toxics, lighting, noise, brush management, invasives, grading, and barriers/access. Failure to implement the identified design features could result in significant long-term impacts to the City's MHPA (Impact LU-1).

Short-term construction impacts could result in significant impacts to adjacent MHPA land due to the disruption of nesting and breeding, affecting the population of sensitive species. As discussed in detail in Final EIR Section 4.4, the project has the potential to result in direct and indirect impacts to

nesting raptors protected by the California Fish and Game Code 3503.5 and nesting bird species protected by the Migratory Bird Treaty Act (MBTA) during construction activities. Construction-related activities could result in significant short-term impacts to sensitive species nesting and/or breeding within the MHPA land (Impact BR-1).

Mitigation

LU-1: To mitigate long-term impacts to the City's MHPA, Mitigation Measure LU-1 requires prior to issuance of any grading permits, the DSD Environmental Designee (ED) to verify that the project design has been accurately represented in the construction documents (CDs) and is in conformance with the associated discretionary permit conditions and Exhibit "A," and the City's MSCP Land Use Adjacency Guidelines for the MHPA. The CDs are required to show MHPA boundaries on-site and on adjacent properties. The CDs shall also show drainage details, areas for equipment storage and trash, location of fencing, lighting plans, barriers along MHPA boundaries, landscaping plans, brush management, and construction noise-reduction measures. Additionally, this mitigation measure requires verification that clearing, grubbing, grading or other construction restrictions relating to the California gnatcatcher are shown on the CDs.

BR-1 and BR-2: To mitigate short-term impacts to sensitive species nesting and/or breeding within the MHPA land, the Applicant would implement Mitigation Measures BR-1 and BR-2, summarized in Section A.4 Biological Resources.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, Mitigation Measures LU-1, BR-1 and BR-2 are feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of these mitigation measures would reduce significant direct impacts related to MHPA adjacency because they assure that MHPA land and sensitive nesting birds located adjacent to the project site are detected, identified, and protected during construction activities. For these reasons, implementation of these mitigation measures would reduce significant impacts related to MHPA adjacency to a less-than-significant level.

Reference

Final EIR Chapter 4.1, Land Use; Chapter 4.4, Biological Resources

2. Transportation/Circulation

Threshold of Significance Issue 1: Traffic Capacity

Pursuant to Issue 1, a significant impact would occur if the project resulted in an increase in projected traffic that is substantial in relation to the capacity of the street system.

Direct Impacts

The project would result in the following direct/near-term impact to the following intersection:

Direct/Near-Term Impacts – Intersections

- Impact TR-1: Hotel Circle South / I-8 eastbound ramps (PM peak hour)

Explanation

Direct impacts are based on the analysis of adding project traffic to the existing traffic conditions.

Near-term impacts are analyzed to determine impacts that would occur when the project becomes operational. Therefore, the near-term analysis takes into account traffic from any projects anticipated to be in effect in the same timeframe as the project.

Direct/Near-Term Impacts to Intersections

No additional intersections would operate unacceptably with the addition of the proposed project to the near term without project; however, conditions at the Hotel Circle South / I-8 eastbound ramps would degrade further with the addition of project traffic in the PM peak hour. Specifically, the proposed project would add more than 1 second of delay to the intersection of Hotel Circle/ I-8 eastbound ramps, which currently operates at Level of Service (LOS) F. This degradation of service represents a significant direct impact (Impact TR-1).

Mitigation

TR-1: To mitigate direct impacts to intersection Impact TR-1, the Mitigation Measure TR-1 requires, prior to issuance of building permits, full width dedication (varying width up to 28 feet) along the project frontage and shall assure by permit and bond the construction of an additional eastbound and westbound travel lane along Hotel Circle South.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified

in the Final EIR to a level of insignificance. Specifically, Mitigation Measure TR-1 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of Mitigation Measure TR-1 would reduce significant direct traffic impacts identified as Impact TR-1, because the widening of this segment is feasible due to the fact that the project can provide the needed right-of-way dedication along its own frontage. The road improvement would improve the flow of traffic at this location to a less-than-significant level.

Cumulative Impacts – Intersections

The addition of the project to the year 2035 conditions would not cause any additional intersections to operate unacceptably since the increase in delay is within the allowable threshold (e.g., 1 second for intersections operating at LOS F and 2 seconds for intersections operating at LOS E). The project would, however, result in a significant impact to the intersection of Hotel Circle North / I-8 westbound ramps, because year 2035 traffic would cause an increase delay by more than 1 second (see Final EIR Table 4.2-11). This degradation of service represents a significant cumulative impact to this segment (Impact TR-2).

Mitigation

TR-2: To mitigate the cumulative impact identified as Impact TR-2, Mitigation Measure TR-2 requires, prior to issuance of building permits, that a fair-share contribution of 3.5 percent be made towards the signalization and reconfiguration of the Hotel Circle North / I-8 westbound ramps intersection.

The reconfiguration shall (1) remove the northbound right-turn channelization to provide a traditional configuration and provide a right-turn overlap phase; (2) remove the eastbound right-turn channelization to provide a traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway, satisfactory to the City Engineer and California Department of Transportation (Caltrans). Should Caltrans decide to implement a different intersection control at this intersection, the Applicant's fair-share contribution may be used toward the new intersection traffic control measure as long as it would meet the performance criteria of reducing the proposed project delay contribution to less than 1 second where operating at LOS F and 2 seconds where operating at LOS E.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect, as

identified in the Final EIR, to a level of insignificance. Specifically, Mitigation Measure TR-2 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of Mitigation Measure TR-2 would reduce the significant cumulative traffic impact identified as Impacts TR-2 because the signalization and reconfiguration would reduce the year 2035 delay to below the horizon year baseline conditions. The impact would be at a less-than-significant level.

Reference

Final EIR Chapter 4.2, Transportation/Circulation

3. Historical Resources

Threshold of Significance Issue 1: Prehistoric or Historic Impacts

Pursuant to Issue 1, a significant impact would occur if the proposed project resulted in the alteration and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site.

Impact

The project site is located within an area of the County of San Diego that is rich in prehistoric cultural resources. As detailed in Final EIR Section 4.3.1.2, Mission Valley was used extensively during the prehistoric period due to the presence of water, habitable climate, and the availability of plant and animal resources. Numerous prehistoric sites have been recorded in the vicinity of the project site. With respect to historic resources, a Letter of Expert Opinion was submitted stating that the existing buildings on-site would not qualify as historic resources under any applicable local or state criteria. However, there is the possibility for subsurface prehistoric resources to be lost, which could result in a significant impact.

Explanation

Due to previously recorded cultural resources in the project vicinity, there is the possibility of significant buried prehistoric resources being present on-site, especially within the flat northern portion, where alluvial deposits are present. Project construction could uncover and destroy these unknown resources resulting in a potentially significant impact (Impact HR-1).

Mitigation

HR-1: To mitigate potential impacts to unknown prehistoric resources Mitigation Measure HR-1 requires that a qualified Principal Investigator (PI) attend the preconstruction meeting and to submit

an Archaeological Monitoring Exhibit (AME) identifying the areas to be monitored prior to proposed project soil-disturbing activities. Per this measure, the Archaeological Monitor shall be present full time during all soil-disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. A Native American Monitor shall also attend the preconstruction meeting and also be present during work determined to potentially affect Native American Resources. The Archaeological Monitor shall document field activity via the Consultant Site Visit Record (CSV) per HR-1, be allowed to temporarily suspend all soil-disturbing activities in the area of discovery, and adhere to requirements to notice the MMC of discoveries. As needed, the PI and Native American shall evaluate the significance of the resource and determine if additional mitigation is needed per the guidance in this mitigation measure. Any artifacts collected must be properly handled, analyzed, and curated/repatriated at the cost of the applicant in accordance with this measure. Upon completion of construction, the PI is required to submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the City's Historical Resources Guidelines and subject to the MMC approval.

If human remains are discovered, implementation of Mitigation Measure HR-1 requires that work stop in that area and the procedures as set forth in the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) are followed. These are also detailed in the EIR.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect, as identified in the Final EIR, to a level of insignificance. Specifically, Mitigation Measure HR-1 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Mitigation Measure HR-1 would assure the recording and recovery of important prehistoric/archaeological information that may otherwise be lost during construction of the project. The requirement for an Archaeological Monitor along with a Native American Monitor present for all grading activities, along with specified processes, assures that grading will be halted or diverted should any discovery be made. In the event that human remains are unearthed during grading activities, the Medical Examiner and/or the Native American Heritage Commission would be contacted as required to ensure that the proper steps are taken. This measure would reduce potentially significant impacts to prehistoric/historical resources to a less than significant level.

Implementation of these mitigation measures would be assured through their incorporation into the proposed project's MMRP.

Reference

Final EIR Chapter 4.3, Historical Resources

4. Biological Resources

Thresholds of Significance Issue 1: Sensitive Species

Pursuant to Issue 1, a significant impact would occur if the proposed project resulted in substantial loss of any species identified as candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

Impacts

While no sensitive plants were found to be supported on-site, one sensitive wildlife species, Cooper's hawk, was detected within the eucalyptus woodland during the general biological resources survey. This species of raptor is protected by California Fish and Game Code 3503.5 and is a nesting bird species protected by MBTA. Therefore, disturbances to the nesting sites could result in a significant impact.

Explanation

Construction activities could result in impacts to nesting raptors both on-site and within the adjacent MHPA land. As discussed above, the MHPA has been designed to maximize conservation of sensitive biological resources, including sensitive species. When land is developed adjacent to the MHPA, there is a potential for indirect impacts, or edge effects, that may degrade the habitat value or disrupt animals on-site (Impact BR-1) and/or within the preserve area (Impact LU-1).

Mitigation

See Mitigation Measure LU-1, above.

BR-1: To mitigate potential impacts to nesting raptors Mitigation Measure BR-1 requires that, prior to issuance of any construction permits, a verification shall be made that construction activities will occur outside the breeding season of February 1 through September 15 as a means to avoid impacts during the known breeding season. If habitat removal is to occur during this time period, a Qualified Biologist (QB) is required to conduct a pre-construction survey within 10 days of the start of construction activities to determine the presence or absence of nesting birds on the proposed

area of disturbance. Additional protocol includes the submittal of pre-con survey results to the DSD. If nesting birds are discovered, the QB is required to submit a detailed mitigation plan to ensure that adequate steps are taken to avoid interruption or disturbance of breeding activities.

BR-2: To mitigate potential impacts to nesting raptors Mitigation Measure BR-2 requires that prior to construction, a QB is retained to implement the project's biological monitoring including the following: attending all pre-con meetings; submitting all required documentation to MMC; submitting a Biological Construction Mitigation/Monitoring Exhibit (BCME) including relevant restoration and vegetation plans, survey requirements and schedules, construction of avoidance barriers, and a site plan with written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. Mitigation Measure BR-2 also requires avoidance of the breeding season, or additional steps as set forth in Mitigation Measure BR-1.

Prior to construction activities, the QB is required to supervise the placement of orange construction fencing, or equivalent, along all limits of disturbance and verify compliance with the BCME. The QB is also required to meet with all parties including the construction crew to educate them regarding the need to avoid impacts outside the approved construction area and to protect sensitive resources.

During construction, the QB is required to monitor all construction activities to ensure that there is no encroachment into biologically sensitive areas. On-going records of site visits are required to be submitted to the MMC. If unknown active nests are discovered, the QC is required to halt construction activities until species-specific local, state, or federal regulations have been determined and applied. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawk nests would be implemented until the young have fledged.

In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with all applicable local, state, and federal law. The QB shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, Mitigation Measures LU-1, BR-1, and BR-2 are feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of these mitigation measures would reduce potentially significant direct and indirect impacts related to nesting birds located on-site and within the adjacent MHPA because the

measures assure that nesting raptors are detected, identified, and protected during all construction activities. For these reasons, implementation of these mitigation measures would reduce potentially significant impacts related to sensitive species to a less-than-significant level.

Thresholds of Significance Issue 2: Sensitive Habitat

Pursuant to Issue 2, a significant impact would occur if the proposed project resulted in substantial loss to any Tier I habitats, Tier II habitats, Tier IIIA habitats, or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community as identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Impacts

As shown in Final EIR Table 4.4.3 and Figure 4.4-2, development of the project would impact vegetation communities considered sensitive under the regional MSCP. This would represent a significant impact to sensitive habitat.

Explanation

The project would impact three sensitive habitats: 0.02 acre of southern mixed chaparral, 0.05 acre of disturbed southern mixed chaparral, and 0.17 acre non-native grassland. These habitats are all MSCP Tier III habitat requiring mitigation (Impact BR-3).

Mitigation

BR-3: To mitigate impacts to sensitive habitat, Mitigation Measure BR-3 requires that prior to issuance of any construction permits, the Applicant provide mitigation in the form of 0.035 acre of Tier III-A or better habitat and 0.085 acre of Tier III-B or better habitat within the MHPA (see Final EIR Table 4.4-4). This mitigation shall be satisfied through the purchase of 0.12 mitigation credits through the City's Habitat Acquisition Fund (HAF) program.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, Mitigation Measure BR-3 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of Mitigation Measure BR-3 would reduce significant impacts related to loss of sensitive habitat by assuring that equal or higher value habitat is preserved in perpetuity at appropriate mitigation ratios. Therefore, implementation of this mitigation measure would reduce significant impacts related to sensitive habitat to a less-than-significant level.

Thresholds of Significance Issue 5: MSCP

Pursuant to Issue 5, a significant impact would occur if the proposed project conflicted with the provisions of an adopted HCP, Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan, either within the MSCP or in the surrounding area.

Impacts

A total of 0.06 acre of MHPA occurs along the southern boundary of the project site. As discussed above, due to the site's location in relation to the MHPA, construction activity from the development of the project has a potential to significantly impact MHPA land.

Explanation

Grading activities on the southern limits of the development footprint would be within 300 feet of the adjacent MHPA and would have the potential to result in significant indirect impacts to the adjacent MHPA (Impact LU-1).

Mitigation

See Mitigation Measure LU-1, in the discussion of Land Use above (Section VIII.A.1).

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, Mitigation Measure LU-1 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of this mitigation measure would reduce significant impacts related to MHPA adjacency because it assures that MHPA land located adjacent to the project is protected during construction activities. Therefore, implementation of Mitigation Measure LU-1 would reduce significant impacts related to MHPA adjacency to a less-than-significant level.

Reference

Final EIR Chapter 4.4, Biological Resources; Chapter 4.1, Land Use

5. Paleontological Resources

Thresholds of Significance Issue 1: Paleontological Resources

Pursuant to Issue 1, a significant impact would occur if the proposed project required over 1,000 cubic yards of excavation at a depth of 10 feet or greater in a high resource potential formation or

over 2,000 cubic yards of excavation at a depth of 10 feet or greater in a moderate resource potential formation.

Impact

The project site is underlain by Stadium Conglomerate Formation, which has high paleontological resource sensitivity (i.e., for fossil deposits). Impacts to unknown fossils would be considered significant.

Explanation

Proposed construction activities would disturb 12.6 acres of the 18.13-acre site. Grading would include 51,420 cubic yards of cut and 53,398 cubic yards of fill and would require cut depths of 10 feet or more in some areas of the project site. This would exceed the threshold for both high and moderate sensitivity areas. Therefore, impacts resulting from construction of the project would be significant (Impact PAL-1).

Mitigation

PAL-1: To mitigate potential impacts to paleontological resources, Mitigation Measure PAL-1 requires requirements for paleontological monitoring to be noted on the appropriate CDs, letters of qualifications submitted to the MMC, a preconstruction evaluation with a Paleontological Monitoring Exhibit (PME), and the PI attend the preconstruction meeting. The monitor is required to be present full time during grading/excavation/trenching activities as identified on the PME. In the event of a discovery, trenching activities in the area of discovery are required to stop and the monitor to immediately notify all appropriate parties as detailed in the Final EIR, including the MMC. The resource is required to be studied so a determination of significance can be made. If the resource is significant, the PI is required to submit a Paleontological Recovery Program and obtain written approval from the MMC. The PI shall submit a letter to the MMC indicating that the resource will be collected, curated, and documented in the Final Monitoring Report, before ground-disturbing activities in the area of discovery will be allowed to resume. Upon completion of construction, a Draft Monitoring Report (even if negative) is required to be prepared in accordance with the Paleontological Guidelines.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified

in the Final EIR to a level of insignificance. Specifically, Mitigation Measure PAL-1 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of this mitigation measure would reduce significant impacts related to paleontological resources and would assure the recording and recovery of important paleontological information, which may otherwise be lost during construction of the proposed project. The requirement for a monitor to be present for all construction activities, along with the specified processes, assures that grading will be halted or diverted should any discovery be made. Implementation of Mitigation Measure PAL-1 assures that significance testing occurs right away and that important discoveries are reported and/or collected. Therefore, implementation of this mitigation measure would reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

Final EIR Chapter 4.6, Paleontological Resources

6. Noise

Thresholds of Significance Issue 2: Noise Generation

Pursuant to Issue 1, a significant impact would occur if the proposed project resulted in the exposure of people to noise levels that exceed the City's Noise Abatement and Control Ordinance.

Impact

The project site is located surrounded by residential development to the south and commercial development to the north, west, and partially to the east. Undeveloped land borders the site on the southeast and southwest corners. The primary noise sources on-site would be mechanical equipment associated with buildings and sound amplification equipment required for the amphitheater. Noise generated on-site that would be audible at surrounding properties above noise ordinance levels would be considered a significant impact.

Explanation

The project includes Heating, Ventilation, and Air Conditioning (HVAC) units to regulate interior temperatures of the proposed structures. As shown in Final EIR Table 4.8-4, maximum hourly noise levels at the property line due to the HVAC units may be less than the property line noise limits. However, as the specific type of unit and placement has not been determined at this time, the project has a potentially significant noise impact (Impact N-1).

Mitigation

N-1: To mitigate potential impacts to paleontological resources, Mitigation Measure N-1 requires that, prior to the issuance of a building permit, an acoustical study(s) of proposed mechanical equipment will be completed. The study is required to identify all noise-generating equipment, predict noise levels at property lines from all identified equipment, and recommend measures to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City Noise Ordinance Section 59.5.0401.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, Mitigation Measure N-1 is feasible and shall be required as a condition of approval and made binding on the Applicant.

Implementation of Mitigation Measure N-1 would reduce significant impacts related to noise generation, because it would assure that an acoustical study be prepared and additional steps taken to reduce noise generated by project construction to allowable levels. Therefore, implementation of this mitigation measure would reduce significant impacts related to noise generation to a less-than-significant level.

Reference

Final EIR Chapter 4.8, Noise

B. Significant and Unavoidable Impacts

The project would have no significant, unmitigated impacts. As such, a statement of overriding considerations is not required pursuant to CEQA Guidelines Section 15093, and findings pursuant CEQA Guidelines Sections 15091(a)(2) and 15091(a)(3) are not necessary.

IX. CONCLUSIONS

To ensure consistency with CEQA Guidelines Section 15091, Findings, the following conclusions are provided for each portion of this guideline.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that the project would include changes or alterations to avoid or substantially lessen the following significant environmental effects identified in the Final EIR: Land Use (MHPA Adjacency), Transportation/Circulation (Traffic Capacity – Intersections), Historical Resources (Archaeological), Biological Resources (Sensitive Species/Sensitive Habitat/MHPA Adjacency), Paleontological Resources, and Noise (Noise Generation – HVAC). With the incorporation of the mitigation identified in the Final EIR and associated MMRP, all project impacts would be reduced to below a level of significance.

The City is not making findings pursuant to CEQA Guidelines Section 15091(a)(2), as the project does not require changes or alterations that are within the responsibility and jurisdiction of another public agency.

The City is not making findings pursuant to CEQA Guidelines Section 15091(a)(3), as the project does not result in a significant impact that is infeasible to avoid through mitigation or project alternatives. Pursuant to CEQA Section 15091(b), the City finds that there is substantial evidence in the administrative record to support the finding that changes or alterations have been required or incorporated into the project to avoid or substantially lessen the environmental impacts of the project. The City has independently reviewed and analyzed the Final EIR as required by CEQA. Prior to that review and analysis, the City circulated the Draft EIR and appendices and those documents also reflect the City's independent review, analysis, and judgment pursuant to CEQA.

As the City is not making findings pursuant to CEQA Guidelines Section 15091(a)(2) or 15091(a)(3), CEQA Guidelines Section 15091(c) is not applicable.

Pursuant to CEQA Section 15091(d), the City shall adopt a MMRP that avoids or substantially lessens the environmental impacts of the project. As part of the certification of the Final EIR, the City finds that the Final EIR reflects the independent judgment of the City, acting in its capacity as the lead agency. As required by CEQA (Public Resources Code Section 21081.6), the City in adopting these findings also adopts the MMRP. The City hereby finds that the MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of the project mitigation measures set forth herein, which mitigate the identified significant impacts associated with the project and are fully enforceable through permit conditions, agreements, these findings, and other measures.

Pursuant to CEQA Section 15091(e), findings section I(B) above provide the location and custodian information of the documents and other materials that constitute the records of proceedings upon which the City's decision is based.

CEQA Guidelines Section 15091(f) is not applicable, as no statement of overriding considerations has been made for this project, and the City has not substituted such a statement for these findings.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

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.332401 SCH NO. 2014081053 shall be made conditions of MISSION VALLEY COMMUNITY PLAN/ATLAS SPECIFIC PLAN AMENDMENT, VESTING TENTATIVE MAP (VTM), SITE DEVELOPMENT PERMIT (SDP), PLANNED DEVELOPMENT PERMIT (PDP), REZONE, and CONDITIONAL USE PERMIT (CUP) as may be further described below.

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

Rezone Ordinance

(O-2017-____)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 18.13 ACRES LOCATED AT 875 HOTEL CIRCLE SOUTH, WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE MVPD-MV-M/SP ZONE INTO THE MVPD-MV-CV ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE CHAPTER 15 ARTICLE 14 DIVISION 3; AND REPEALING ORDINANCE NO. INSERT~ (NEW SERIES), ADOPTED DATE-call City Clerk for adopted dated~, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Resolution No. _____, which was considered along with this Ordinance, proposes an amendment to the General Plan, Mission Valley Community Plan and Atlas Specific Plan; and

WHEREAS, Legacy Center Foundation, LLC, Applicant, requested a rezone for the purpose of changing 18.13 acres, located at 875 Hotel Circle South, and legally described as Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955 in the Mission Valley Community Plan area from the MVPD-MV-M/SP Zone into the MVPD-MV-CV Zone (Rezone No. _____, as shown on Zone Map Drawing No. _____, on file in the Office of the City Clerk as Document No. OO-_____; and

WHEREAS, on May 11, 2017, Planning Commission of the City of San Diego considered Rezone No. 1897177 and voted _____ to recommend City Council approval of Rezone No. 1897177; 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 18.13 acres located at 875 Hotel Circle South, and legally described as Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955, in the Mission Valley Community Plan area, in the Mission Valley Community Plan area, as shown on Zone Map Drawing No. B-4323 on file in the office of the City Clerk as Document No. OO- _____, are rezoned from the MVPD-MV-M/SP zone to the MVPC-MV-CV zone, as the zone is described and defined by Chapter 15 Article 14 Division 3 of the San Diego Municipal Code. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. **INSERT~** (New Series), adopted **DATE~**, of the ordinances of the City of San Diego is 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 or the date that R-_____ adopting the amendment to the General Plan, Mission Valley Community Plan and Atlas Specific Plan becomes effective, whichever date occurs first. In addition, 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 _____
Corrine Neuffer
Deputy City Attorney

Initials~
Date~
Or.Dept: INSERT~
Case No.INSERT PROJECT NUMBER~
O-INSERT~
Form=inloto.frm(61203wct)

Rev 10-05-09 hmd
document2

RESOLUTION NUMBER R- _____

DATE OF PASSEAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE
GENERAL PLAN, THE MISSION VALLEY COMMUNITY PLAN, AND THE ATLAS
SPECIFIC PLAN TO REMOVE THE PROJECT SITE, LOCATED AT 875 HOTEL CIRCLE
SOUTH FROM THE ATLAS SPECIFIC PLAN
LEGACY INTERNATIONAL CENTER - PROJECT NO. 332401

WHEREAS, MORRIS CERULLO LEGACY CENTER FOUNDATION, LLC,
Applicant, requested an amendment to the General Plan, Mission Valley Community Plan and
Atlas Specific Plan to remove the Project site from the Atlas Specific Plan to allow for the
redevelopment of the existing Mission Valley Resort property into a mixed-use development
consisting of religious, lodging, administrative, recreational, and commercial uses known as the
Legacy International Center project under the existing Commercial Recreation designation, with
the approval of a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and
Rezone located at 875 Hotel Circle South, and legally described as Lot 1 of Mission Valley Inn,
in the City of San Diego, County of San Diego, State of California, according to map thereof No.
3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955, in
the Mission Valley Community Plan area, in the MVPD-MV-M/SP zone, which is proposed to
be rezoned to the MVPD-MV-CV zone; and

WHEREAS, on May 11, 2017, the Planning Commission of the City of San Diego
considered the amendment and voted _____ under Resolution Number _____ -PC
to recommend that the City Council approve the proposed amendments; and

WHEREAS, an amendment to the Community Plan and Atlas Specific Plan require an
amendment to the General Plan due to the Community Plan and Atlas Specific Plan being part of
the Land Use Element of the General Plan; and

WHEREAS, the Council has considered the following factors with respect to the amendment: 1) consistency with the goals and policies of the General Plan and the Mission Valley Community Plan; 2) additional public benefits to the community as compared to the plan; 3) availability of public facilities to serve the proposed increase in density/intensity, or their provision is addressed as part of the amendment; 4) the level and diversity of community support; 5) appropriateness of the size and boundary for the amendment site; 6) the provision of additional benefit to the community; 7) implementation of major General Plan and Mission Valley Community Plan goals; and 8) the provision of public facilities; and

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, Mission Valley Community Plan and Atlas Specific Plan; 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;

WHEREAS, the Council 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 Council of The City of San Diego, that it adopts the amendments to the General Plan and, Mission Valley Community Plan, a copy of which is on

ATTACHMENT 13


file in the office of the City Clerk as Document No. RR-_____, and the Atlas Specific Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____


APPROVED: MARA W. ELLIOTT, City Attorney

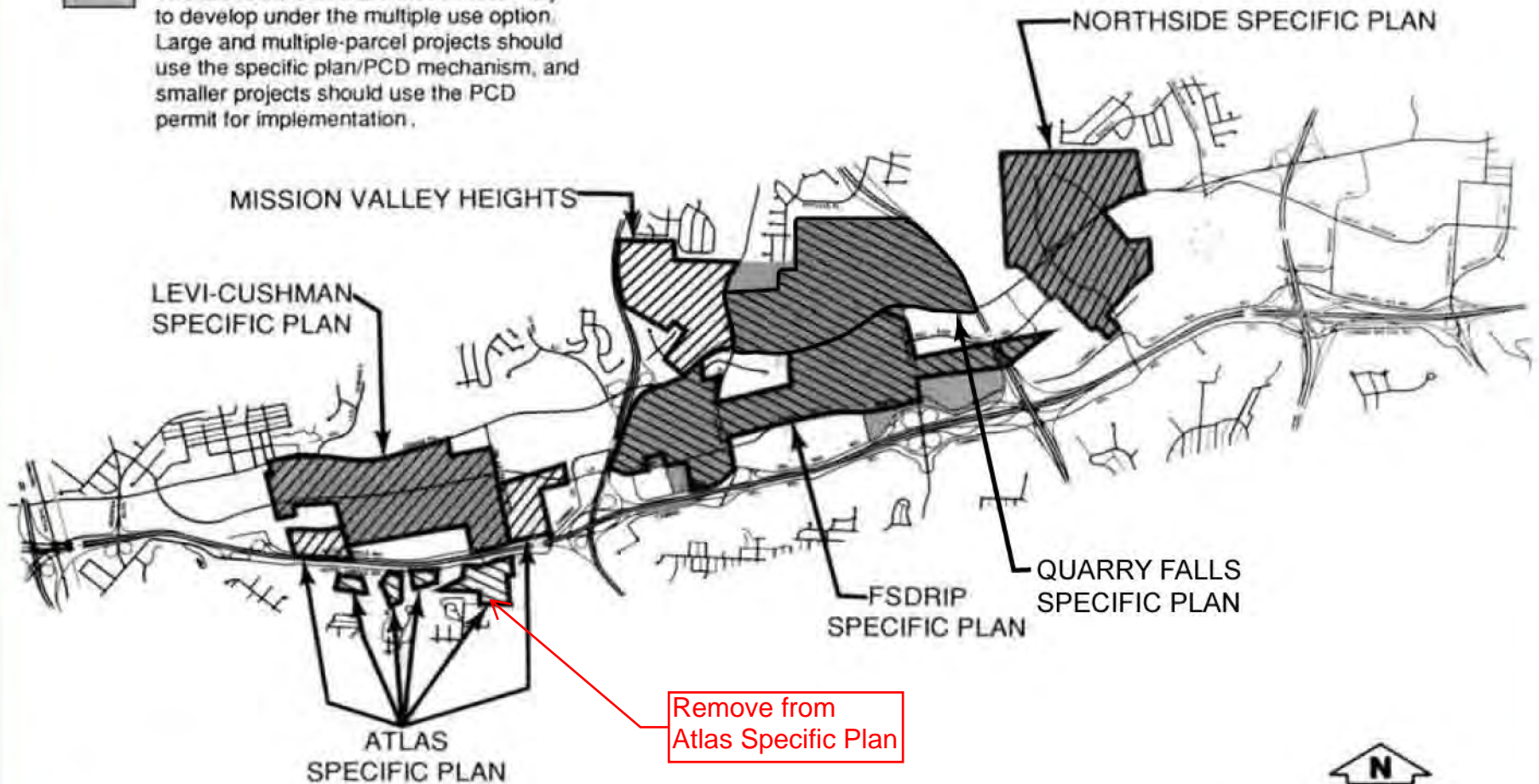
By _____

Corrine L. Neuffer
Deputy City Attorney

Figure 10. Specific Plan/Multiple Use Areas

 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.



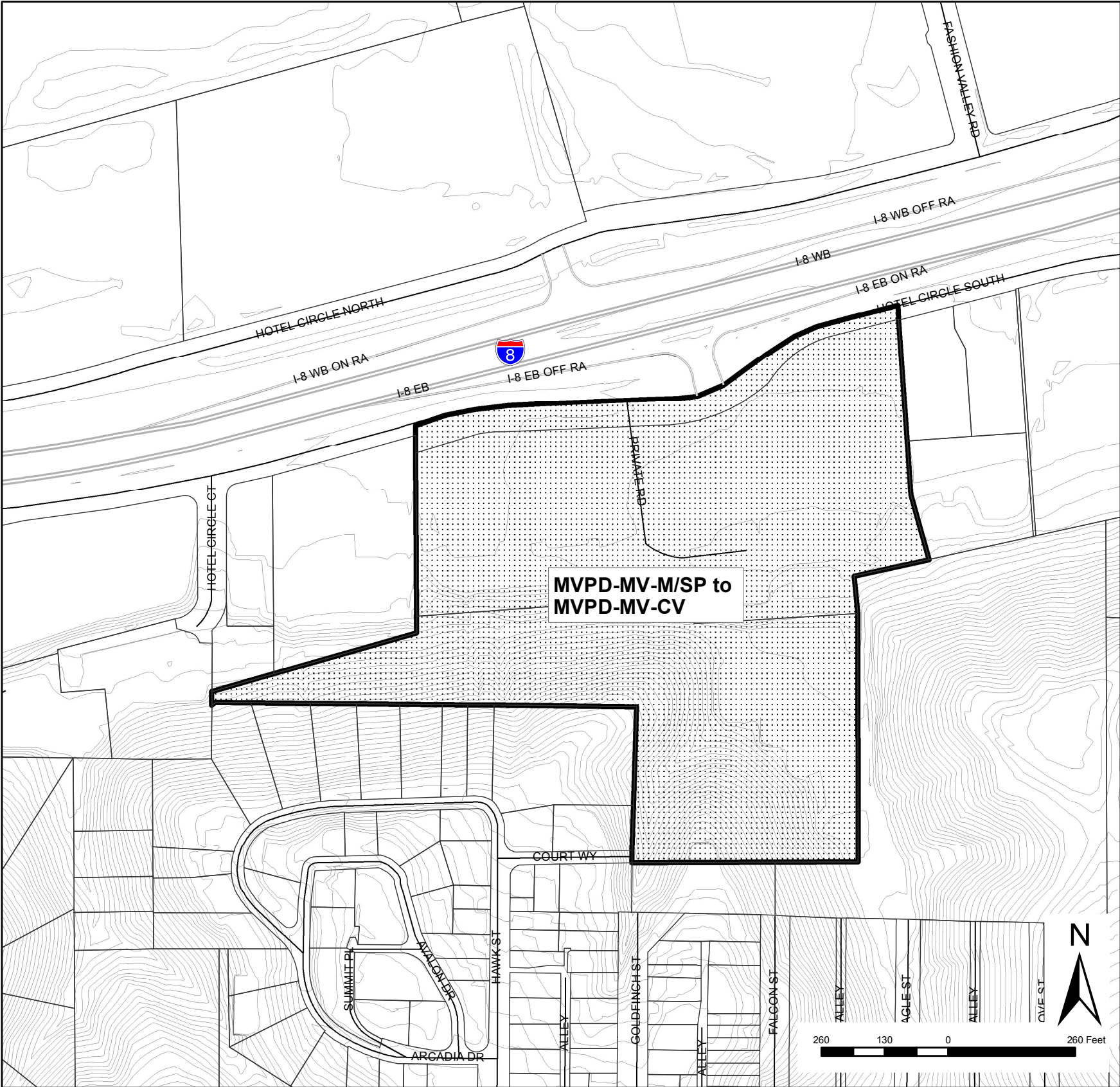
Specific Plan/Multiple Use Areas
Mission Valley Community Plan

10
FIGURE



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



LOT 1*(EX DOC76-199078)		CASE NO. 332401
ORDINANCE NO. _____	REQUEST MVPD-MV-CV	
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	DEVELOPMENT SERVICES MANAGER
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	
BEFORE DATE _____		B- 4323
EFF. DATE ZONING _____		APN:444-060-10
MAP NAME AND NO. _____		(216-1716) 2-28-17 LDJ

LEGACY INTERNATIONAL CENTER

1. UTILITIES:
WATER: CITY OF SAN DIEGO
SEWER: CITY OF SAN DIEGO
GAS & ELECTRIC: S.D.G.E.
FIRE & POLICE PROTECTION: CITY OF SAN DIEGO
CABLE: T.D. C&C COMMUNICATIONS
TELEPHONE: AT&T
NOTE: UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON AVAILABLE RECORDS.
2. SCHOOLS
SAN DIEGO UNIFIED SCHOOL DISTRICT
3. GRADING:
A. CUT AND FILL SLOPES ARE 2:1 OR FLATTER EXCEPT AS SHOWN.
B. GRADING SHOWN HEREON IS PRELIMINARY AND MAY BE ALTERED DURING FINAL DESIGN.
C. UNDERGROUND EXCAVATION IS SUPPORTED BY SHORING WALLS AND BRACINGS.
QUANTITIES SHOWN ARE FOR ESTIMATION PURPOSES ONLY AND ARE NOT TO BE USED FOR FINAL PAY QUANTITY. QUANTITIES ARE GEOMETRIC ONLY AND DO NOT REFLECT SHRINKAGE OR BUILDING FACTORS.
4. DRAINAGE:
DRAINAGE FACILITIES TO BE CONSTRUCTED PER CITY OF SAN DIEGO STANDARDS. ALL DRAINAGE FROM LOT TO BE DIRECTED TO STREET.
5. BUILDING ADDRESS:
NUMBER AND LOT FOR STRUCTURES ON THIS SITE SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE SUBJECT PROPERTY.
6. COORDINATES:
UNIVERSITY COORDINATES: 210-1715
NAD83 COORDINATES: 1856-6276
7. ALL LENGTHS, DISTANCES, LOT DIMENSIONS, AND CURVE RADII ARE APPROXIMATE.
8. ALL PROPOSED STORM DRAIN SYSTEMS OUTSIDE OF THE PUBLIC RIGHT OF WAY SHALL BE PRIVATE AND PRIVATELY MAINTAINED
9. ANY REQUIRED ABOVE/BELOW GROUND UTILITY FACILITIES WILL BE LOCATED ON SITE.
10. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBOWNER SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING MAINTENANCE AND MAINTENANCE SATISFACTORY TO THE CITY ENGINEER.
11. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBOWNER SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14.4 ARTICLE 2, DIVISION 1 OF THE CITY OF SAN DIEGO MUNICIPAL CODE, IN ORDER TO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
12. FIRE PROTECTION, INCLUDING FIRE APPARATUS ACCESS ROADS AND WATER SUPPLIES FOR FIRE PROTECTION, SHALL BE INSTALLED AND MAINTAINED PRIOR TO AND DURING TIME OF CONSTRUCTION. (CFC 901.3, 901.4, 901.6, 901.7A)
13. BUILDINGS UNDERGOING CONSTRUCTION, ALTERATION OR DEMOLITION SHALL BE IN ACCORDANCE WITH CFC ARTICLE 87. (CFC 87.01)
14. FIRE HYDRANT LOCATIONS SHALL BE IDENTIFIED BY THE INSTALLATION OF REFLECTIVE MARKERS. (CFC 901.4.3)
15. EMERGENCY PLANS SHALL BE SUBMITTED TO FIRE AND LIFE SAFETY FOR REVIEW AND APPROVAL PRIOR TO OCCUPANCY. (CFC 1303.4.2, CAL CODE REGS. RT 19.309)
16. FIRE ACCESS ROADWAY SIGNS SHALL BE INSTALLED PER FHPS POLICY 4-7-01.
17. BUILDING ADDRESS NUMBERS SHALL BE VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-5 (CFC 901.4.4).
18. FIRE HYDRANTS SHALL COMPLY WITH FHPS F-00-1 FOR ON-SITE FIRE HYDRANTS.
19. NO OVERHEAD UTILITIES ARE LOCATED FRONTING THE PROPERTY.
20. PUBLIC ACCESS WILL BE GRANTED ALONG THE PATHWAYS THROUGH A "PROPOSED EXCISEMENT FOR PUBLIC USE" TO BE RECORDED ON THE FINAL MAP, AS A PERMIT CONDITION.

TOPOGRAPHY SHOWN IS BASED UPON AN AERIAL SURVEY BY
PROJECT DESIGN CONSULTANTS, IN FEBRUARY 4, 2016.

4454-D	25623-D	10188-D
4455-D	16423-D	16474-D
4456-D	12833-D	

CITY OF SAN DIEGO BRASS DISC AT THE
SOUTHERLY CURB LINE BETWEEN STREET ADDRESS
NO.'S 595 AND 625 HOTEL CIRCLE SOUTH.
ELEV = 24.36' M.S.L. (N.G.V.D. 29) PER CITY OF
SAN DIEGO VERTICAL CONTROL RECORD DATED
1990.

A FINAL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE VESTING TENTATIVE MAP. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP AND ALL PROPERTY CORNERS WILL BE MARKED WITH DURABLE MONUMENTS.

TOTAL AMOUNT OF SITE TO BE GRADED: AREA: 547,800 SF
% OF TOTAL SITE: 89.5
AMOUNT OF CUT: 51,420 CY
MAXIMUM DEPTH OF CUT: 27 FT
AMOUNT OF FILL: 53,398 CY
MAXIMUM DEPTH OF FILL: 14 FT
MAXIMUM HEIGHT OF FILL SLOPES: 14 FT
SLOPE RATIO: 2:1
MAXIMUM HEIGHT OF CUT SLOPES: 14 FT
SLOPE RATIO: 2:1
AMOUNT OF IMPORT/EXPORT SOIL: 1977 CY
RETAINING/CORRS WALLS:
TOTAL LENGTH: 2800 FT
MAXIMUM HEIGHT: 19 FT

THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM UNITS IS COMPRISED OF 5 COMMERCIAL CONDOMINIUM UNITS.

PARCEL SUMMARY:		
<u>NO. OF PARCEL</u>	<u>USE</u>	<u>UNITS</u>
PARCEL 1	COMMERCIAL	5 UNITS
OF PM		



- C-1 CIVIL COVER SHEET
- C-2 EASEMENTS
- C-3 SITE PLAN, ACCESSIBILITY AND PARKING
- C-4 GRADING AND STORM DRAIN
- C-5 WATER AND SEWER
- C-6 SITE CROSS SECTIONS
- C-7 STEEP SLOPE ANALYSIS
- C-8 EXISTING HOTEL CIRCLE SOUTH ALIGNMENT
- C-9 PROPOSED HOTEL CIRCLE SOUTH ALIGNMENT
- C-10 REGIONAL CIRCULATION MAP
- C-11 FIRE ACCESS PLAN
- L-1 LANDSCAPE CONCEPT PLAN
- L-2 LANDSCAPE/PEDESTRIAN CIRCULATION PLAN
- L-3 LANDSCAPE CONCEPT DETAILS
- L-4 LANDSCAPE CONCEPT DETAILS
- L-5 PLANTING CALCULATIONS
- L-6 NOTES + LEGEND
- A-7 BRUSH MANAGEMENT PLAN
- A-0 SITE PLAN
- A0.1 VEHICULAR CIRCULATION DIAGRAM
- A0.2 PEDESTRIAN CIRCULATION DIAGRAM
- IA.1 VISION CENTER FLOOR PLANS
- IA.2 VISION CENTER ELEVATIONS
- 2A.1 PAVILION FLOOR PLANS
- 2A.2 PAVILION ELEVATIONS
- 3A.1 HOTEL ENTRY & LOWER LEVEL FLOOR PLANS
- 3A.2 HOTEL FIRST LEVEL & SECOND LEVEL FLOOR PLANS
- 3A.3 HOTEL THIRD & FOURTH LEVEL FLOOR PLANS
- 3A.4 HOTEL FIFTH & ROOF LEVEL PLAN
- 3A.5 HOTEL EXTERIOR ELEVATIONS
- 4A.1 PARKING GARAGE FIRST & SECOND FLOOR PLANS
- 4A.2 PARKING GARAGE THIRD, FOURTH FLOOR, & FIFTH FLOOR PLANS
- 4A.3 PARKING GARAGE EXTERIOR ELEVATIONS

COMMUNITY PLAN AMENDMENT. - AMENDMENT TO THE MISSION VALLEY COMMUNITY PLAN TO REMOVE THE SITE FROM THE ATLAS SPECIFIC PLAN, THE MISSION VALLEY COMMUNITY PLAN DESIGNATES THE SITE AS COMMERCIAL RECREATION AND IDENTIFIES THE PROPERTY AS MOST LIKELY TO DEVELOP UNDER THE MISSION VALLEY DEVELOPMENT OPTION (EXISTING) IN THE PLAN. THE PROJECT SITE IS LOCATED WITHIN THE MISSION VALLEY DEVELOPMENT OPTION (EXISTING) IN THE ATLAS SPECIFIC PLAN AREA. A COMMUNITY PLAN AMENDMENT IS REQUIRED TO REMOVE THE PROJECT SITE FROM THE ATLAS SPECIFIC PLAN AREA. A SPECIFIC PLAN AMENDMENT WOULD BE REQUIRED TO REMOVE THE PROJECT SITE FROM THE MISSION VALLEY DEVELOPMENT OPTION (EXISTING) IN THE ATLAS SPECIFIC PLAN AREA. THE SITE WOULD REMAIN DESIGNATED AS COMMERCIAL RECREATION AFTER THE COMMUNITY PLAN/SPECIFIC PLAN AMENDMENTS.

AMENDMENT TO THE ATLAS SPECIFIC PLAN TO REMOVE THE SITE FROM THE SPECIFIC PLAN.

REZONE FROM MWP-MW-M/SP TO MWP-MV-CV - THE SITE IS CURRENTLY ZONED AS MWP-MW-M/SP (MULTIPLE USE ZONE IN A SPECIFIC PLAN), AS THE PROJECT WOULD REMOVE THE SITE FROM THE ATLAS SPECIFIC PLAN THROUGH A COMMUNITY PLAN AMENDMENT, THE SITE WOULD BE REZONED TO MWP-MV-CV (COMMERCIAL-VISITOR). THE MWP-MV-CV ZONE WAS DEVELOPED THROUGH THE MISSION VALLEY PLANNING DISTRICT AND SEVERAL OTHER COMMERCIAL, OFFICE AND ALSO FOR COMMERCIAL, OFFICE AND RETAIL COMMERCIAL USES WITH WELL LANDSCAPED SITES AND A WIDE VARIETY OF DISTINCTIVE ARCHITECTURAL STYLES. THIS ZONE IS PRIMARILY INTENDED TO PROVIDE FOR EXHIBITION, EDUCATION, RECREATION AND OTHER SERVICES OF INTEREST, FUNDS TO THE COMMERCIAL-VISITOR ZONE GUIDELINES FOR DISCRETIONARY REVIEW. THE PROJECT WOULD PROVIDE THE FOLLOWING:

- A CONTINUATION OF THE COMMERCIAL RECREATION, RETAIL, AND OFFICE LAND USE EMPHASIS, BUT WITH A MIX OF USES.
- PROVISION OF NEW NEIGHBORHOOD RETAIL SHOPPING.
- PEDESTRIAN ORIENTATION.
- A PRESSION OF A SITE DESIGN THAT RELATES THE PROJECT PHYSICALLY AND VISUALLY TO EXISTING DEVELOPMENT BY PROVIDING PEDESTRIAN PATHS AND COMPLEMENTARY LANDSCAPING AND ARCHITECTURE.
- A COMPLEMENTARY ARCHITECTURAL DESIGN AND APPEARANCE THROUGHOUT THE ENTIRE PROJECT SITE.

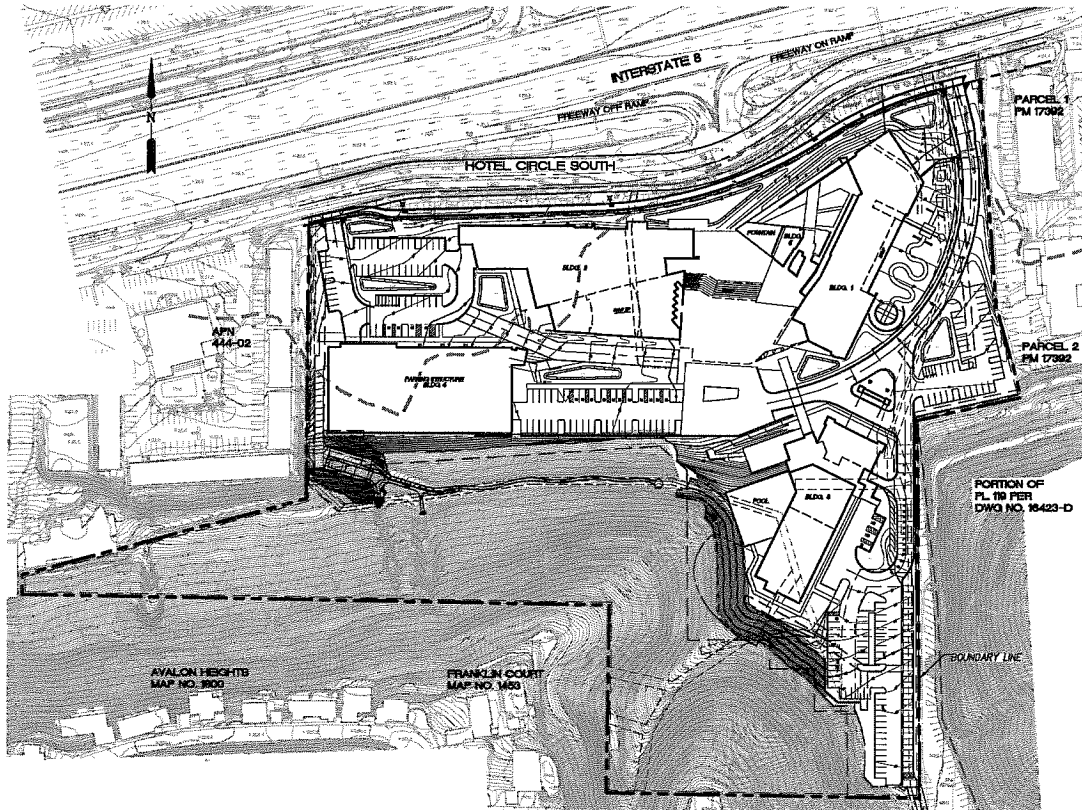
SITE DEVELOPMENT PERMIT - A SITE DEVELOPMENT PERMIT IS REQUIRED PER MUNICIPAL CODE CHAPTER 14, ARTICLE 4, DIVISION 1 BECAUSE THE PROJECT PROPOSES (1) A LESS THAN 40-FOOT SEPARATION BETWEEN THE PROJECT AND THE EXISTING HIGHWAY, (2) A LESS THAN 100-FOOT SEPARATION FROM SENSITIVE BIOLOGICAL RESOURCES. IN ADDITION, THE PROJECT REQUIRES A MISSION VALLEY DEVELOPMENT PERMIT DUE TO THE PROJECT ADJ, WHICH IS PROCESSED AS A SITE DEVELOPMENT PERMIT (MUNICIPAL CODE SECTION 15.141.030). REFER TO SECTION 4.1 FOR ADDITIONAL INFORMATION.

VESTING TENTATIVE MAP - A VESTING TENTATIVE MAP IS INCLUDED IN THE PROJECT TO DIVIDE THE PROJECT SITE AND THE LOTS ADJACENT TO THE PUBLIC SERVICE EASEMENTS, AND PROPOSES RECREATIONAL PATHWAYS WITHIN AREAS CONTAINING EASE.

CONDITIONAL USE PERMIT - A CONDITIONAL USE PERMIT IS INCLUDED IN THE PROJECT IN ORDER TO ACCOMMODATE "RELIGIOUS USES" AS WELL AS A 500 SEAT THEATER THAT EXCEEDS 5,000 SQUARE-FOOT PROPOSED ON-SITE WITHIN THE M-V-MV-CV BASE ZONE. (SOMC SECTION 15.141.030)

PLANNED DEVELOPMENT PERMIT - AS THE PROJECT PROPOSES RETAINING WALLS THAT ARE OVER 9 FEET WITHIN THE REQUIRED WARD AND OVER 12 FEET OUTSIDE OF THE REQUIRED WARD, THE PROJECT REQUIRES A PLANNED DEVELOPMENT PERMIT IN ACCORDANCE WITH SAN DIEGO MUNICIPAL CODE SECTION 12.06.022(1)(1).

SETBACKS			
REQUIRED		PROPOSED	
STREET YARD SETBACK	5' ESTABLISHED PER ZONING MAP C-700.2. SETBACK SHALL BE INCREASED 0.2' FOR EVERY FOOT OF BUILDING ELEVATION OVER 24'. THE CALCULATION IS $4' \times 0.2' = 8.2'$. SETBACK REQUIRED = 13.2'	STREET YARD SETBACK	14.5'
PROPERTY SIDE SETBACKS	10'	PROPERTY SIDE SETBACKS	30'
REAR SETBACK	15' WHEN ABUTTING A RESIDENTIAL ZONE. SETBACK SHALL BE INCREASED 0.2' FOR EVERY FOOT OF BUILDING ELEVATION OVER 24'. THE CALCULATION IS $4' \times 0.2' = 8.2'$. SETBACK REQUIRED = 23.2'	REAR SETBACK	240'
STREET YARD FACTOR	MAINTAINED AS THE INCREMENTAL SETBACK AREA IS SATISFIED BY BUILDING SET BACK OF THE SECOND OR THIRD AN UPPER STORY.		
STRUCTURAL HEIGHT	40'	STRUCTURAL HEIGHT	65' IN ACCORDANCE WITH SMC SECTION 1514.03(c)(1)(X)(1)(i)(ii)



SCALE: 1" = 100'

PROJECT NAME	LEGACY INTERNATIONAL CENTER
PROJECT ADDRESS	HOTEL CIRCLE SOUTH, MISSION VALLEY, SAN DIEGO, CA

OVERLAY ZONES: FIRE BRUSH ZONES 300' BUFFER, FIRE HAZARD SEVERITY ZONE,
TRANSIT AREA, HILLSIDE SUBDISTRICT

THE CITY OF ATLANTA SPECIFIC PLAN, THE COMMUNITY PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT ARE ONLY REQUIRED TO REMOVE THE PROJECT SITE FROM THE ATLAS SPECIFIC PLAN THE CITY OF ATLANTA SPECIFIC PLAN, THE COMMUNITY PLAN AMENDMENT AND RELIGIOUS PUBLIC AND MEMBER USES CONSISTING OF: LEGACY SYSTEM CENTER MUSEUM - WITH WELLSFLOE CENTER INTERACTIVE WORLD GLOBE AND LOBBY, A 100 MOTION SATE THEATRE HISTORY DOCK, GALERIES, AND AN OUTDOOR AND OUTDOOR STAGING WITH INDIVIDUAL SHOPS, A PAVILION BUILDING WITH 500 SEAT THEATRE AND PRE-FUNCTION AREA, TELEVISION BROADCASTING AND VIDEO PRODUCTION STUDIOS, DATA CENTER, RETAIL CENTER, LECTURE HALL, AND A 100 MOTION SATE THEATRE AND FACILITIES, AND CORPORATE OFFICES.

A-8 STORY, 162 ROOM HOTEL WITH GRAND ENTRY PORTE COCHERE, RESTAURANT, LAUNDRY FACILITIES, FITNESS CENTER, WELLSFLOE CENTER SPA-SPA, STEAM ROOM, HAIR SALON, MASSAGE FACILITIES, AND EXECUTIVE SUITE SUITES, A PEDESTRIAN PLAZA CENTRALLY LOCATED WITH A TRAM DROP OFF AND PICK UP AREA. SEE SHEET C-2 FOR PROPOSED EASEMENT LOCATIONS AND OUTCATCHES.

TYPE II-B, NON-COMBUSTIBLE, SPRINKLER

MAP THEREOF NO. 3347, FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAN DIEGO COUNTY, DECEMBER 28, 1955

PROPOSED: 391,347 SF OF MIXED USE BUILDINGS, HOTEL, MUSEUM, THEATER, RETAIL OUTDOOR MARKET, OUTDOOR AMPHITHEATER, PARKING STRUCTURE

PROPOSED NO.
25 LOTS

BUILDING SUMMARY
TOTAL GROSS FLOOR AREA

PROPOSED BUILDING AREA: 200,421 SF
BLDG. 1: 41,071 SF - LEGACY VISION CENTER (2-STORY)
BLDG. 2: 63,447 SF - PAVILION (3-STORY)
BLDG. 3: 88,120 SF - HOTEL (5-STORY)
BLDG. 4: SEE BELOW - PARKING

TOTAL GROSS AREA: 306,879 SF

OCCUPANCY CLASSIFICATION

PER SHARED PARKING ANALYSIS BY LLG ENGINEERS IN
THE TRAFFIC ADDENDUM LETTER DATED SEPT. 30, 2016

THIS PROJECT WILL EXCEED THE MINIMUM
PARKING REQUIREMENT OF 524 SPACES WITH
A TARGET PARKING SUPPLY OF 665 SPACES.

TOTAL = 659

MOTORCYCLE REQUIRED 2% OF THE MIN. NUMBER OF REQUIRED

EXISTING STREET CENTERLINE	
EXISTING RIGHT-OF-WAY	
EXISTING CURB AND GUTTER	
EXISTING DRIVEWAY	
EXISTING CURB RAMP	
EXISTING SIGNAL POLE WITH STREET LIGHT	
EXISTING STREET TREE	
EXISTING FIRE HYDRANT	
EXISTING STORM DRAIN PIPE	
EXISTING DRAINAGE INLET	
EXISTING SEWER	
EXISTING SEWER MANHOLE	
EXISTING WATER	
EXISTING MISCELLANEOUS STRUCTURES	
EXISTING SODGE TRANSFORMER	
EXISTING OVERHEAD UTILITY LINE	
EXISTING UNDERGROUND ELECTRIC	
EXISTING GAS LINE	
EXISTING PARKING STALLS	
PROPOSED RIGHT-OF-WAY	
PROPOSED CURB AND GUTTER	
PROPOSED DRIVEWAY	
PROPOSED CURB RAMP	
PROPOSED TOP OF CURB/FLOW LINE ELEVATIONS	
PROPOSED CONTOUR	
PROPOSED DAYLIGHT	
PROPOSED STORM DRAIN PIPE	
PROPOSED CURB INLET	
PROPOSED STORM DRAIN CLEAN OUT	
PROPOSED CONCRETE LUG PER D-53	
PROPOSED AREA DRAIN	
PROPOSED PLANTING AREA	
RIGHT OF WAY DEDICATION (AT DENEY/NEWTON)	
PROPOSED SEWER MAIN	
PROPOSED SEWER CLEAN OUT	
PROPOSED SEWER SERVICE	
PROPOSED WATER MAIN	
PROPOSED WATER SERVICE	
PROPOSED FIRE HYDRANT	
PROPOSED RETAINING WALL	

OWNER/
DEVELOPER MORRIS CERULLO LEGACY CENTER FOUNDATION, LLC
3545 AERO COURT
SAN DIEGO, 92123

SAN DIEGO, CA 92101
(619) 235-6471

SAN DIEGO, CA 92109
(858) 483-9817

SAN DIEGO, CA 92101
(714) 543-9884

carrierjohnson + culture
architecture + environments + brand strategy + graphics

PROJECT DESIGN CONSULTANTS
PROJECT: Legacy International Center
1301 Third Avenue, San Diego, CA 92101
PHONE: 619.239.2353 FAX: 619.239.6227



Legacy International Center
875 Hotel Circle South
San Diego, CA. 92108

03-05-2017 3RD SUBMITTAL
12-09-2016 2ND SUBMITTAL
09-30-2016 1ST SUBMITTAL
ISSUES:



PROJECT NO: 3948.00
FILE NAME: 03-05-2017-PL119-PM17392-01.DWG
DRAWN BY: CHECKED BY:
PLOT DATE: TITLE:

EASEMENTS

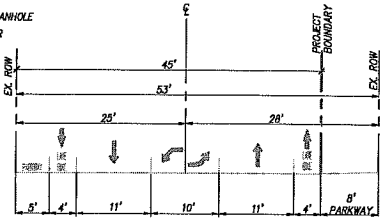
DRAWING NO: 2 of 33
C-2

KEY (ABBREVIATIONS):

MH.....MANHOLE
FH.....FIRE HYDRANT
SMH.....SEWER MANHOLE
WM.....WATER METER
BFP.....BACKFLOW PREVENTER
GV.....GATE VALVE
WV.....WATER VALVE
HI.....HAND HOLE
DI.....DRAIN INLET
W.....WATER
SDMH.....STORM DRAIN MANHOLE
AC.....AIR CONDITIONER

LEGEND

EASEMENT TO BE VACATED/QUIT CLAIMED
AGREEMENT TO BE TERMINATED
PORTION OF OPEN SPACE EASEMENT TO BE VACATED ON FINAL MAP



**SECTION A-A
EXISTING STREET SECTION
HOTEL CIRCLE SOUTH
(STA. 158+78.65)
NOT TO SCALE**

KEY NOTES:

PER TITLE REPORT 3881128(6) BY FIRST ENTITLEMENT TITLE CO. UPDATED ON 6/28/2013
4 AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 14, 1945 IN BOOK 1889, PAGE 241 OF OFFICIAL RECORDS.

GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS THE LAND
AFFECTS: THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

5 AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT, (TO BE VACATED ON FINAL MAP)

GRANTED TO: CITY OF SAN DIEGO
PURPOSE: STORM DRAIN
RECORDED: FEBRUARY 13, 1932 IN BOOK 4371, PAGE 369 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN.

6 ADJUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM PORTIONS OF CANINO DEL RIO NOW HOTEL CIRCLE SOUTH RELINQUISHED PER MAP NO. 3347. (TO BE REVESTED ON FINAL MAP)

KEY NOTES CONTINUED:

7 A 4 FT-WIDE EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO DEDICATED PER MAP NO. 3347. (TO REMAIN)
MAP: 3347
RECORDED: DECEMBER 28, 1955
PURPOSE: PUBLIC UTILITIES
AFFECTS: AS SHOWN ON SAID MAP

8 AN OFFER AND THE REJECTION OF SAID OFFER SUBJECT TO THE PROVISIONS OF SECTION 6647.2 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA FOR THE DEDICATION OF 25 FOOT RESERVED FOR FUTURE STREET, AS SHOWN ON MAP 3347, WHICH PROVIDES THAT A REJECTED OFFER OF DEDICATION SHALL REMAIN OPEN AND SUBJECT TO FUTURE ACCEPTANCE BY THE CITY OF SAN DIEGO. (TO BE VACATED PER FINAL MAP)

9 AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT (PORTION TO BE VACATED PER FINAL MAP)
GRANTED TO: CITY OF SAN DIEGO
PURPOSE: STORM DRAIN
RECORDED: JUNE 22, 1938 IN BOOK 6151, PAGE 524 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

10 AN EASEMENT FOR AERIAL AND UNDERGROUND PUBLIC UTILITIES AND PURPOSES INCIDENTAL THERETO AS GRANTED TO SAN DIEGO GAS AND ELECTRIC COMPANY, BY DEED RECORDED JULY 11, 1957 IN BOOK 6638, PAGE 269 OF OFFICIAL RECORDS. (TO REMAIN)
AFFECTS: THE LOCATION OF SAID EASEMENT IS SET FORTH IN SAID DOCUMENT

11 A LEASE DATED APRIL 1, 1958, EXECUTED BY MISSION VALLEY NW, INC., A CALIFORNIA CORPORATION AS LESSOR AND STANDARD OIL COMPANY OF CALIFORNIA, WESTERN OPERATIONS INC. AS LESSEE, RECORDED NOVEMBER 13, 1958 IN BOOK 7349, PAGE 102 OF OFFICIAL RECORDS.
DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASEHOLD ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED NOVEMBER 13, 1958 IN BOOK 7349, PAGE 104; MARCH 6, 1959 IN BOOK 7335, PAGE 25 AND FEBRUARY 28, 1972 AS INSTRUMENT NO. 471925 ALL OF OFFICIAL RECORDS. (TO BE TERMINATED)

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6, 1991.35 EPOCH, GRID BEARING BETWEEN CITY OF D.P.S. STATION NO. 253 AND D.P.S. STATION NO. 931 PER RECORD OF SURVEY NO. 14492.

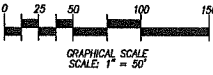
I.E. NORTH 25°06'40" WEST

DISTANCES SHOWN HEREON ARE GROUND DISTANCES. TO OBTAIN GROUND LEVEL DISTANCES, MULTIPLY DISTANCES BY 0.9999996. QUOTED BEARINGS FROM REFERENCE MAPS/DEEDS MAY OR MAY NOT BE IN TERMS OF SMO SYSTEM.

APN 444-02

FRANKLIN COURT
MAP NO. 1453

PORTION OF
PL 119 PER
DWG NO. 16423-D



carrierjohnson + culture

architecture + environments + brand strategy + graphics

1301 third avenue, san diego ca 92101

phone 619.239.2353 fax 619.239.6227

PROJECT DESIGN CONSULTANTS

Planning + Landscape Architecture + Engineering + Surveying

707 B Street, Suite 800 San Diego, CA 92101

619.239.6211 fax 619.239.6227



Legacy International Center

875 Hotel Circle South

San Diego, CA. 92108

03-06-2017 3RD SUBMITTAL
12-06-2016 2ND SUBMITTAL
09-30-2016 1ST SUBMITTAL
ISSUES:



PROJECT NO:

3040.68

FILENAME:

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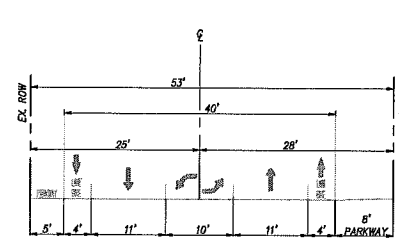
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PLOT DATE:

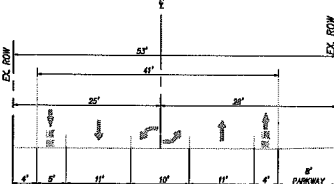
TITLE:

SITE PLAN
ACCESSIBILITY
AND PARKING

DRAWING NO:



SECTION A-A
EXISTING STREET SECTION
HOTEL CIRCLE SOUTH
(STA. 169+75.39)
NOT TO SCALE



SECTION B-B
EXISTING STREET SECTION
HOTEL CIRCLE SOUTH
(STA. 161+73.68)
NOT TO SCALE

LEGEND

ADA PATH (SURFACE ACCESS)

PARKING SPACES

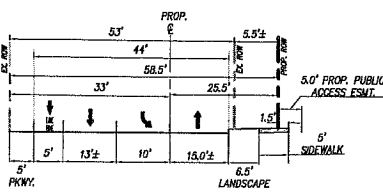
MOTORCYCLE PARKING SPACES

AC PAVEMENT

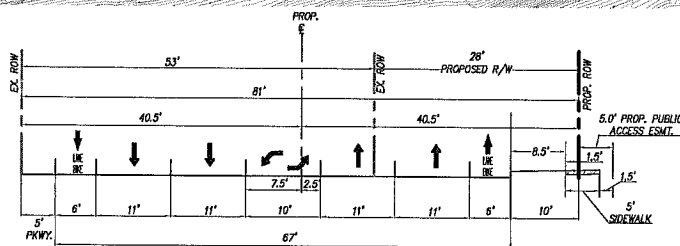
PARKING PROHIBITED

PROPOSED
PARKING SPACE COUNT

TOTAL STRUCTURE PARKING	TOTAL SURFACE PARKING	TOTAL PROJECT PARKING	
435	224	659	
HANDICAP PARKING (INCLUDED IN TOTAL)		MOTORCYCLE PARKING (SEPARATE FROM TOTAL)	BICYCLE PARKING (SEPARATE FROM TOTAL)
19	-	11	30



SECTION A-A
PROPOSED STREET SECTION
HOTEL CIRCLE SOUTH
(STA. 169+75.39)
NOT TO SCALE



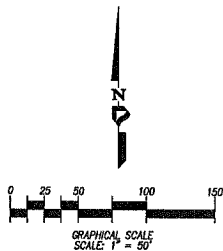
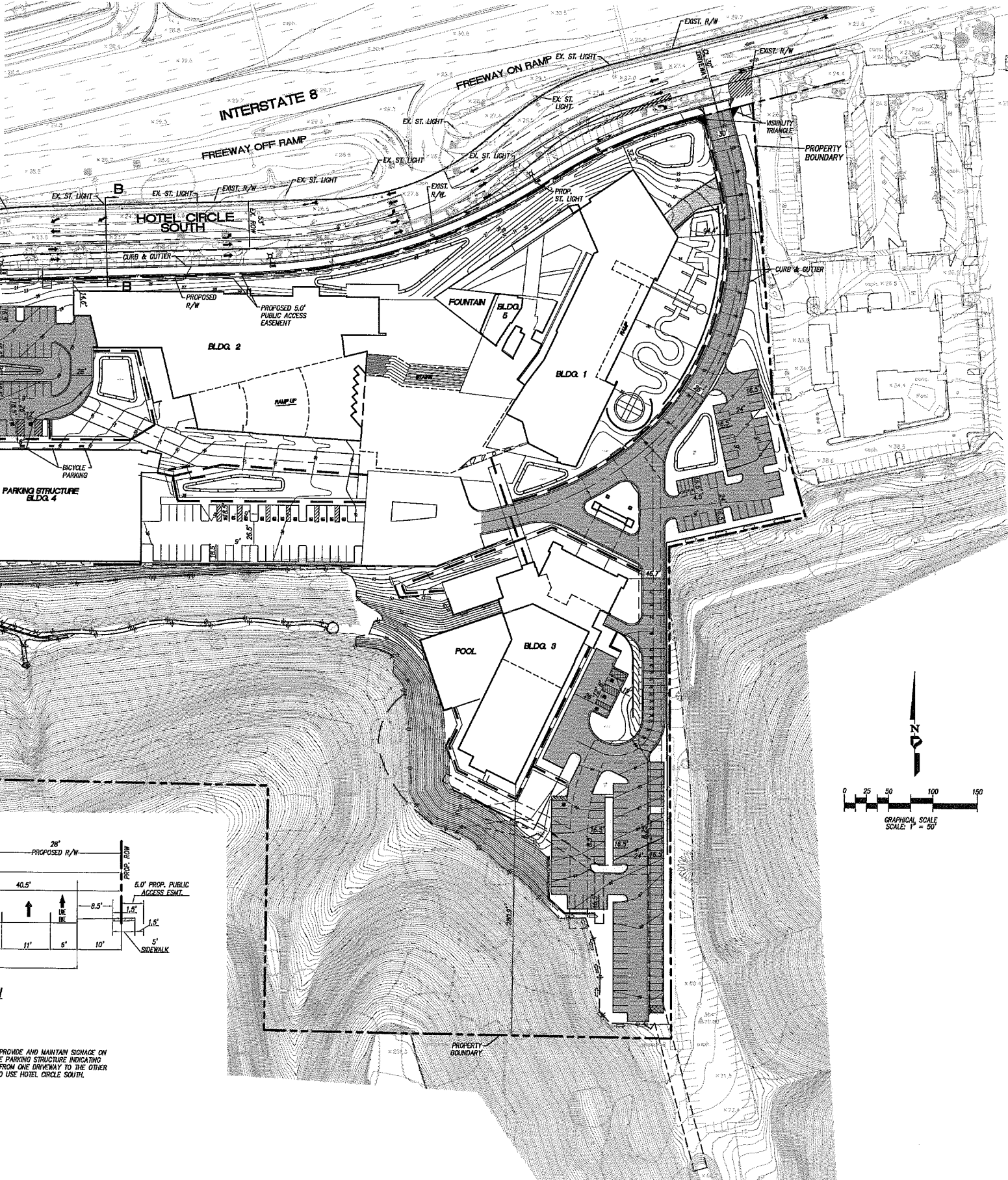
SECTION B-B
PROPOSED STREET SECTION
HOTEL CIRCLE SOUTH
(STA. 161+73.68)
NOT TO SCALE

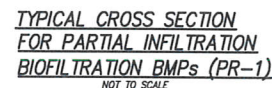
NOTE:
PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND
LEGIBLE FROM THE STREET OR ROAD FRONTING THE
PROPERTY PER FHPS POLICY P-00-6.

NOTE:
AN ILLUMINATED DIRECTORY, IN ACCORDANCE WITH FHPS
POLICY P-00-6, SHALL BE PROVIDED.

NOTE:
NO OBJECTS HIGHER THAN 36 INCHES BE PROPOSED IN
THE VISIBILITY TRIANGLE.

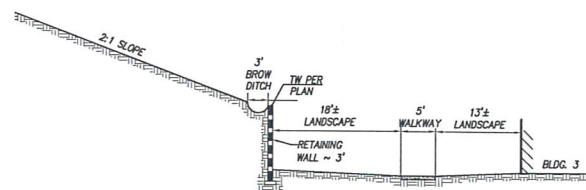
NOTE:
PERMITTEE SHALL PROVIDE AND MAINTAIN SIGNAGE ON
BOTH ENDS OF THE PARKING STRUCTURE INDICATING
THROUGH ACCESS FROM ONE DRIVEWAY TO THE OTHER
WITHOUT HAVING TO USE HOTEL CIRCLE SOUTH.



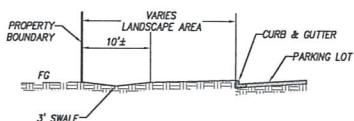


<i>BMP ID #</i>	<i>TYPE</i>
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2	<i>BF-1</i>
3	<i>BF-1</i>
4	<i>BF-1</i>
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7	<i>PR-1</i>
8	<i>BF-1</i>
9	<i>PR-1</i>

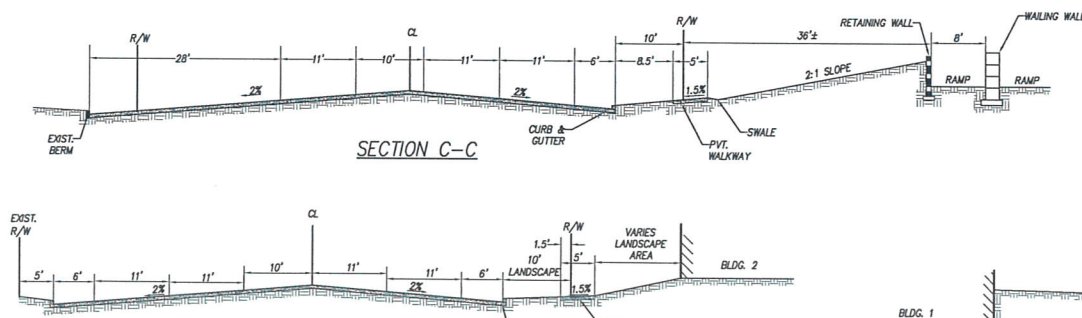
REFER TO SWQMP FOR BMFs.



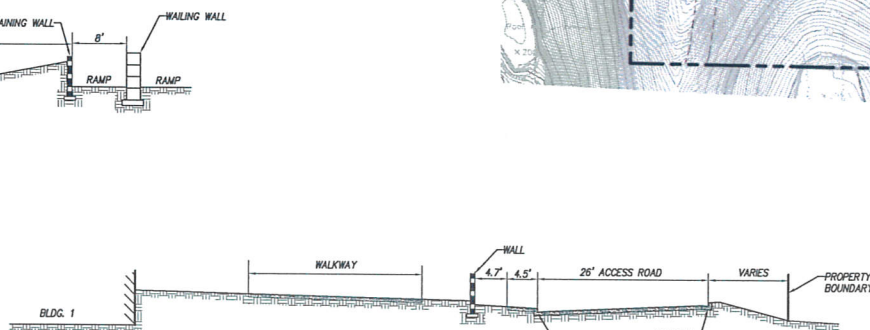
SECTION F-F



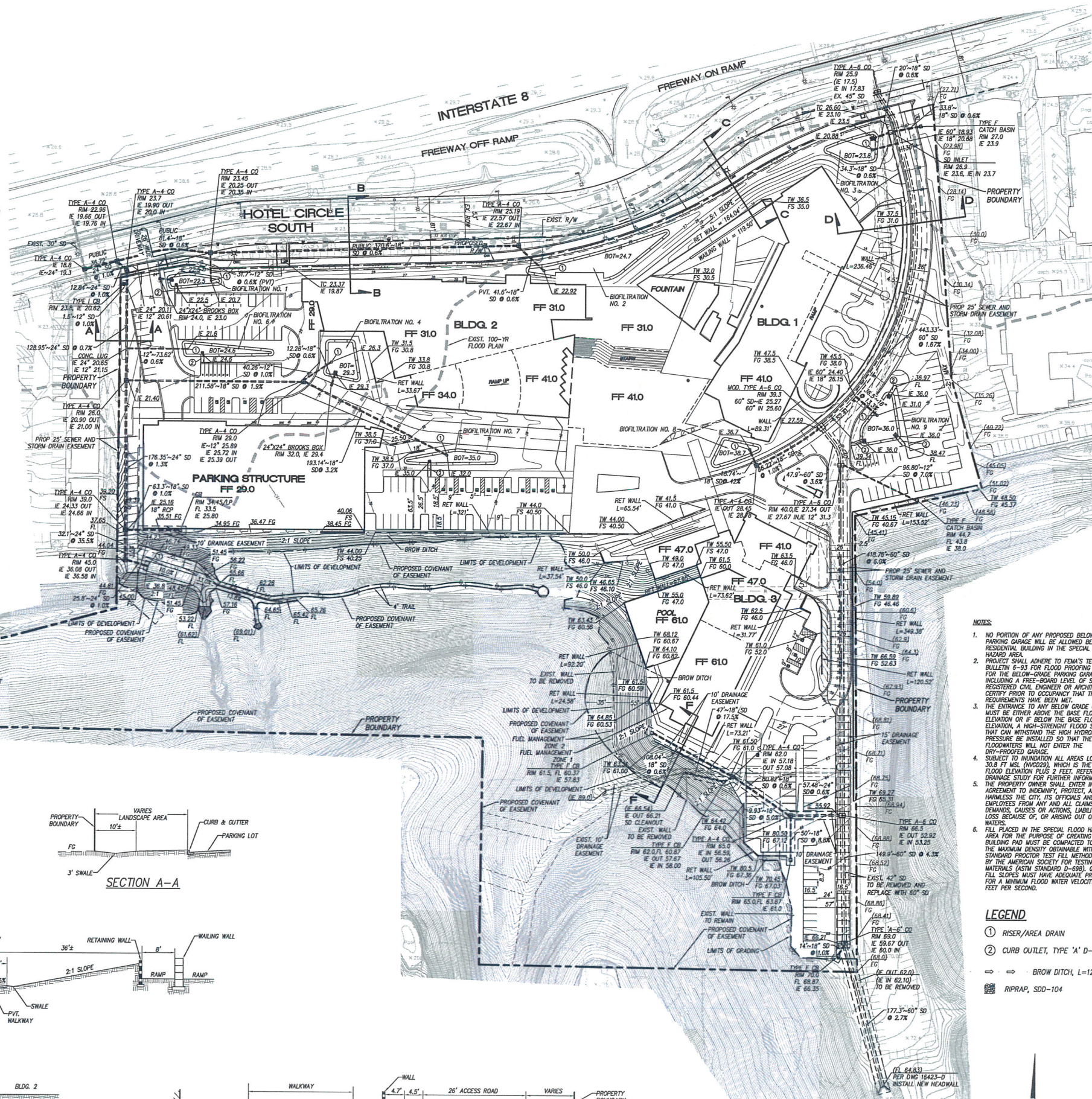
SECTION A-A



SECTION B-B



SECTION D-D

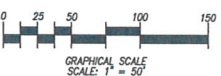


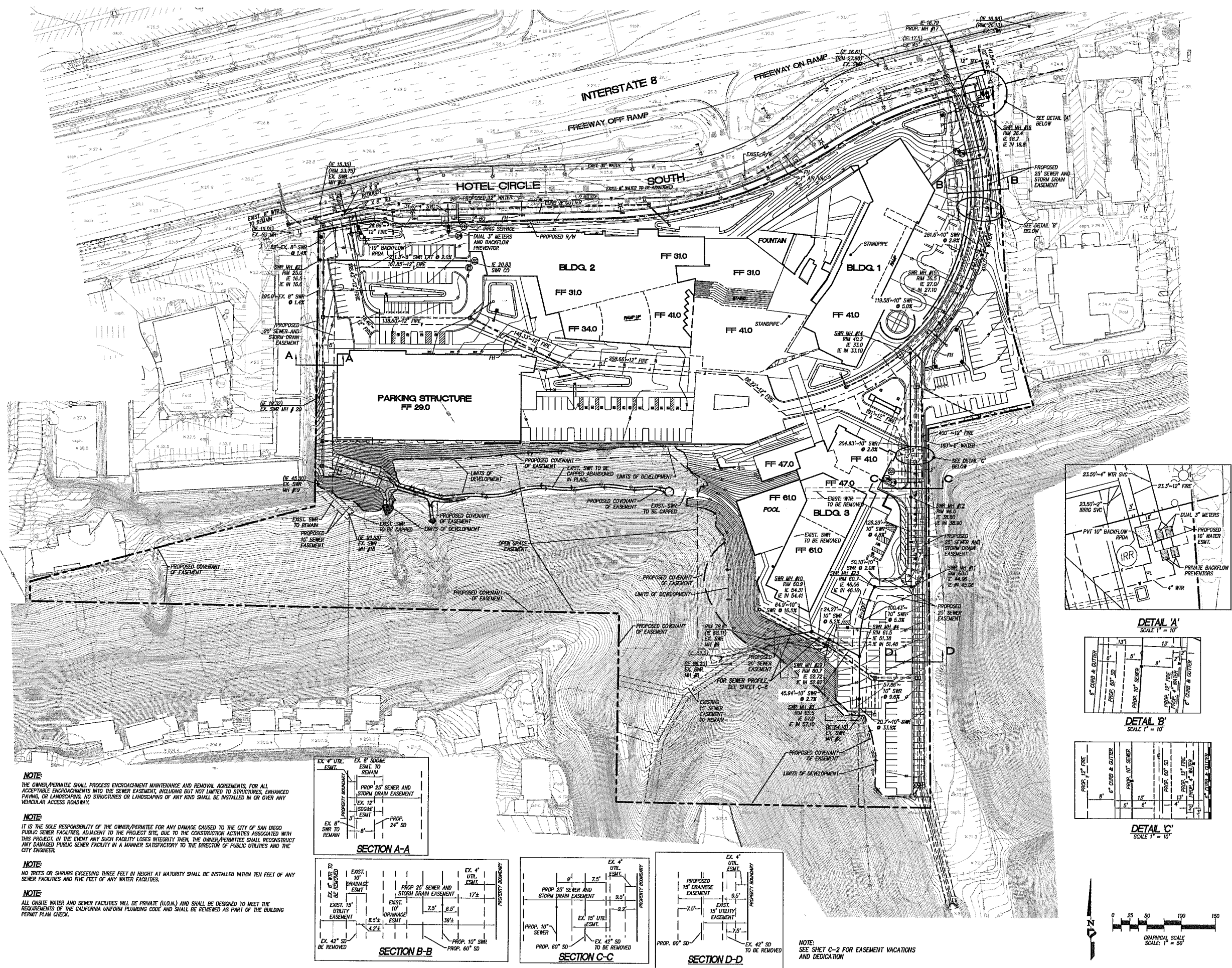
NOTES:

4. NO PORTION OF ANY PROPOSED BELOW-GRADE PARKING GARAGE WILL BE ALLOWED BENEATH ANY EXISTING BUILDING IN THE SPECIAL FLOOD HAZARD AREA.
5. PROJECT SHALL SUBMIT TO FEMA'S TECHNICAL REVIEW FOR THE SPECIAL FLOOD AREAS FOR THE BELOW-GRADE PARKING GARAGE, INCLUDING A FREE-BORD LEAK OF SAFETY, A CORROSION AND EROSION PROTECTION PLAN, WILL CERTIFY PEOPLE TO OCCUPANCY THAT THOSE REQUIREMENTS HAVE BEEN MET.
6. EXISTING BELOW-GRADE PARKING GARAGE MUST BE EITHER ABOVE THE BASE FLOOD ELEVATION, OR BE BUILT TO A MINIMUM FLOOD ELEVATION, A HIGH-STRENGTH STEEL FIELD CAN WITHSTAND THE HIGH HYDROSTATIC PRESSURES INSTALLED IN THE GARAGE. THE FLOODWATERS WILL NOT ENTER THE DIRT-PROOFED GARAGE.
7. BUILDING FOUNDATION ALL AREAS LOWER THAN 30.8 FT MSL (MGW202) WHICH IS THE BASE FLOOD ELEVATION PLUS 2 FEET, REFER TO THE GRADING PLAN FOR PROTECTION OF THE FOUNDATION. THE PROPERTY OWNER SHALL ENTER INTO AN AGREEMENT WITH THE CITY TO PROTECT, NOT HARMLESS THE CITY, ITS OFFICIALS AND EMPLOYEES FROM ANY AND ALL CLAIMS, DAMAGES OR LOSSES, INCLUDING BUT NOT BE LIMITED TO, OF OR ARISING OUT OF FLOOD WATERS.
8. FILL PLACED IN THE SPECIAL FLOOD HAZARD AREA FOR THE PURPOSE OF CREATING A BUILDING PAD MUST BE COMPACTED TO 95% OF THE MAXIMUM DENSITY OF THE STANDARD PROCTOR TEST FILL METHOD ISSUED BY THE ARIZONA STATE DEPARTMENT OF TRANSPORTATION (ASTM STANDARD D 1557). GRAVEL FILL SLOPES MUST HAVE ADEQUATE PROTECTION FOR THE FLOOD WATER VELOCITY OF THE FEET PER SECOND.

LEGEND

- ① RISER/AREA DRAIN
② CURB OUTLET, TYPE 'A' D-25
⇒ ⇒ BROW DITCH, L=1260 LF
RIPRAP, SDD-104





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architecture + environments + brand strategy + graphics

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Surveying
707 B Street, Suite 800 San Diego, CA 92101
619.238.6071 Tel 619.238.4349 Fax



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875 Hotel Circle South
San Diego, CA. 92108

03-05-2017 3RD SUBMITTAL
12-09-2016 2ND SUBMITTAL
09-30-2016 1ST SUBMITTAL
ISSUES:

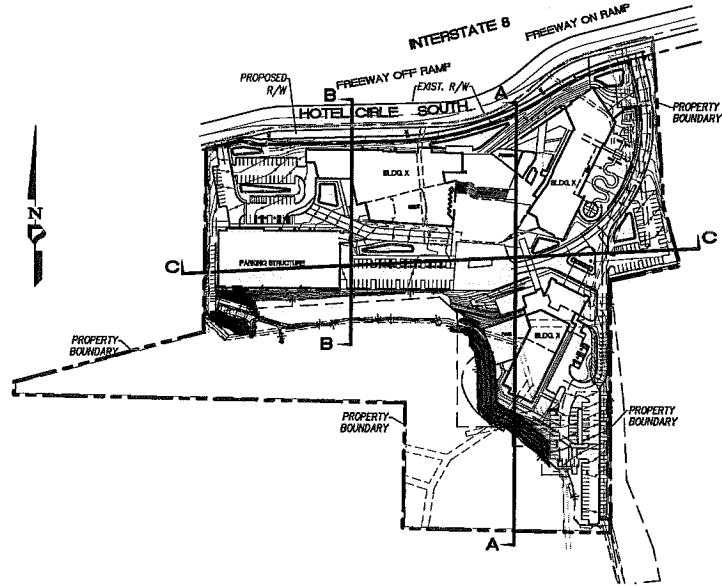


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DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

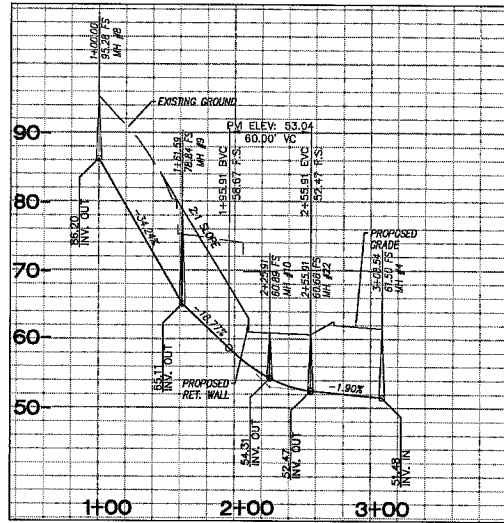
SITE CROSS
SECTIONS

DRAWING NO:
8 of 33

C-6

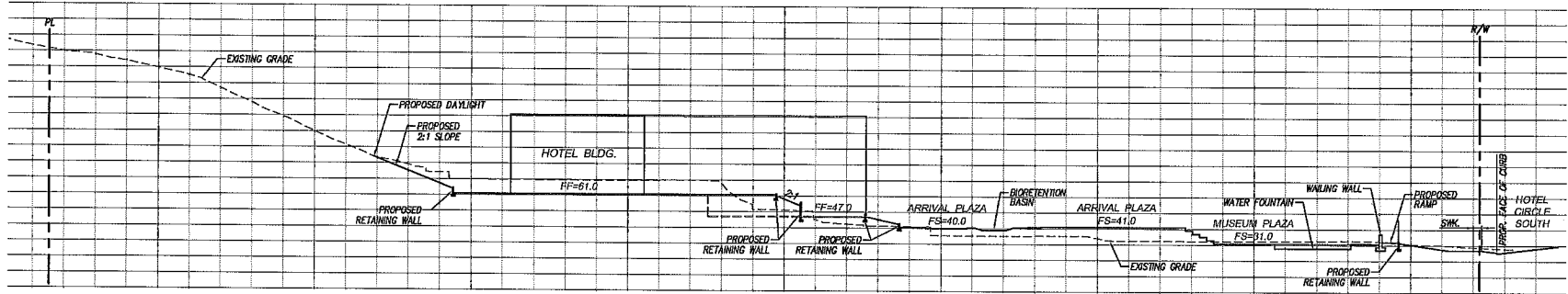


KEY MAP
NOT TO SCALE

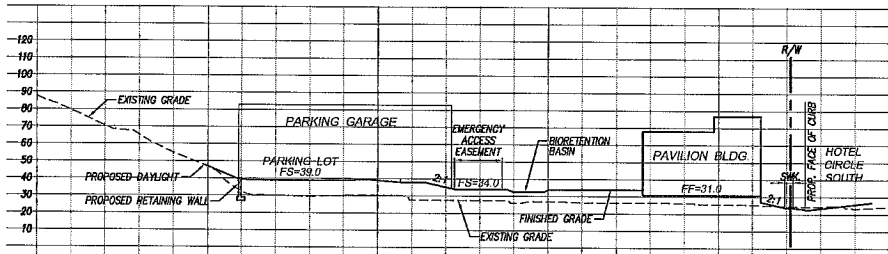


PROFILE: SEWER
MH 8-9-10-6-4
SCALE: HORIZ. 1" = 50'
VERT. 1" = 10'

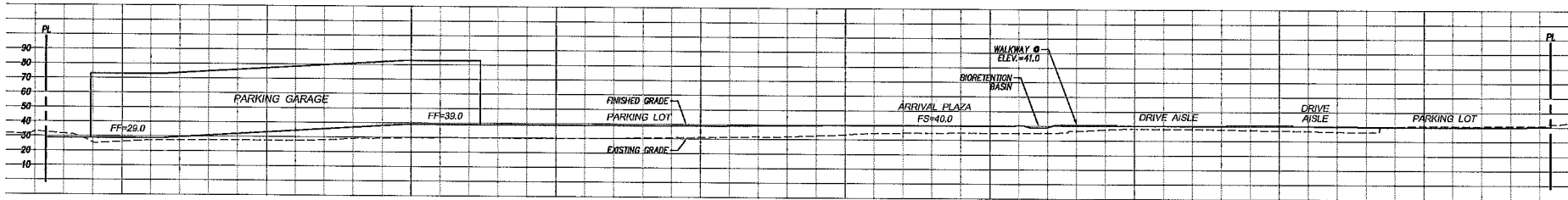
FOR PLAN VIEW, SEE SHEET 5



SECTION 'A-A'
SCALE: HORIZ. 1" = 40'
VERT. 1" = 40'



SECTION 'B-B'
SCALE: HORIZ. 1" = 40'
VERT. 1" = 40'



SECTION 'C-C'
SCALE: HORIZ. 1" = 40'
VERT. 1" = 40'

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phone 619.239.2553 fax 619.238.6227

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701 B Street, Suite 800 San Diego, CA 92101
619.226.6471 Tel 619.234.0344 Fax



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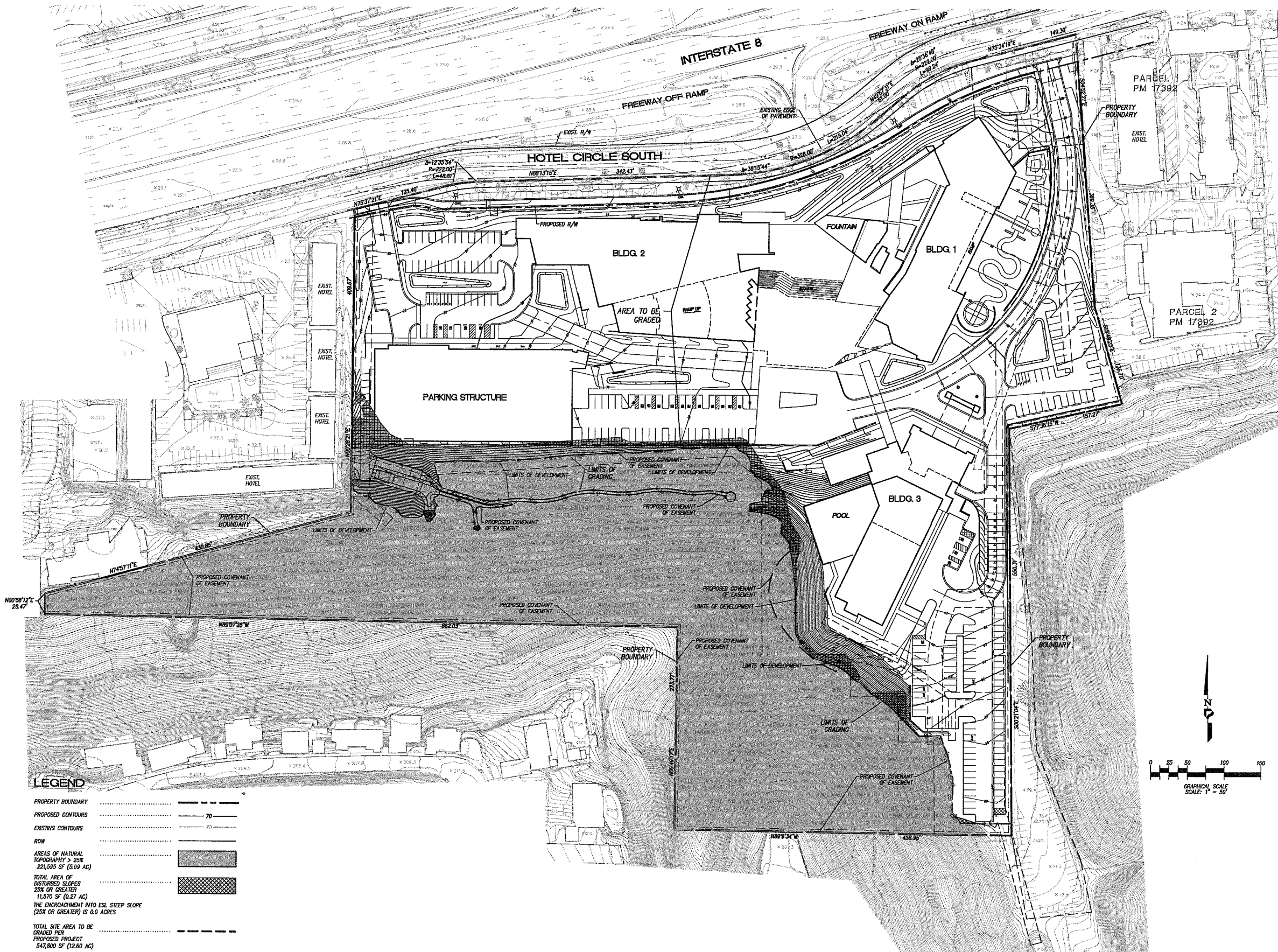
03-05-2017 3RD SUBMITTAL
12-02-2016 2ND SUBMITTAL
06-30-2016 1ST SUBMITTAL
ISSUES



PROJECT NO:
3948.60
FILENAME:
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DWG SHEET 1000
DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

**STEEP
SLOPE
ANALYSIS**

DRAWING NO:
7 of 33
C-7



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San Diego, CA 92101
619.255.0411 fax 619.255.0414

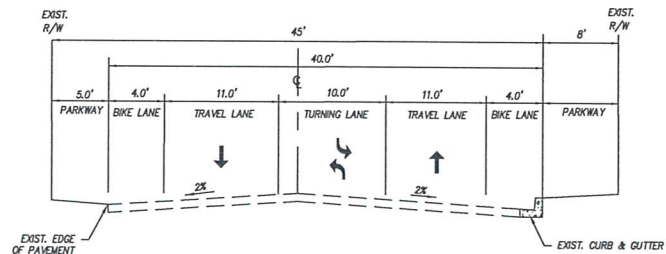


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03-06-2017 3RD SUBMITTAL
12-09-2016 2ND SUBMITTAL
09-30-2016 1ST SUBMITTAL
ISSUES



PROJECT NO:
3048.60
FILENAME:
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DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:
**EXISTING
HOTEL
CIRCLE
SOUTH
ALIGNMENT**
DRAWING NO:
8 of 33
C-8



STREET SECTION 'A-A'
EXIST. HOTEL CIRCLE SOUTH

HOTEL CIRCLE SOUTH
EXISTING CONDITION EXHIBIT



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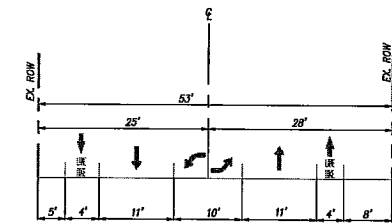
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03-06-2017 3RD SUBMITTAL
12-09-2016 2ND SUBMITTAL
03-30-2016 1ST SUBMITTAL
ISSUES:

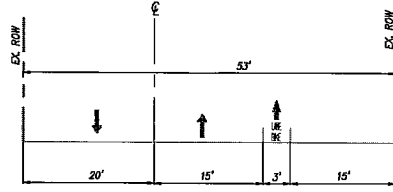


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3048.00
FILENAME:
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IN SHEET FIVE
DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:
HOTEL
CIRCLE
SOUTH
PROPOSED
ALIGNMENT

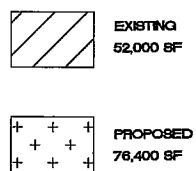
DRAWING NO:
9 of 33
C-9



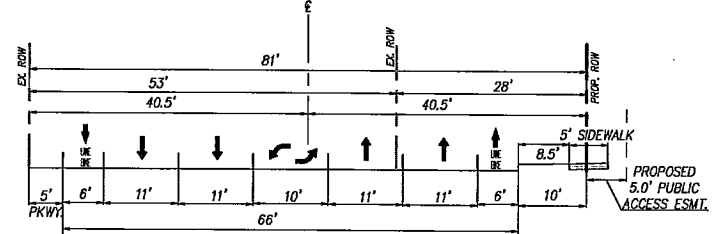
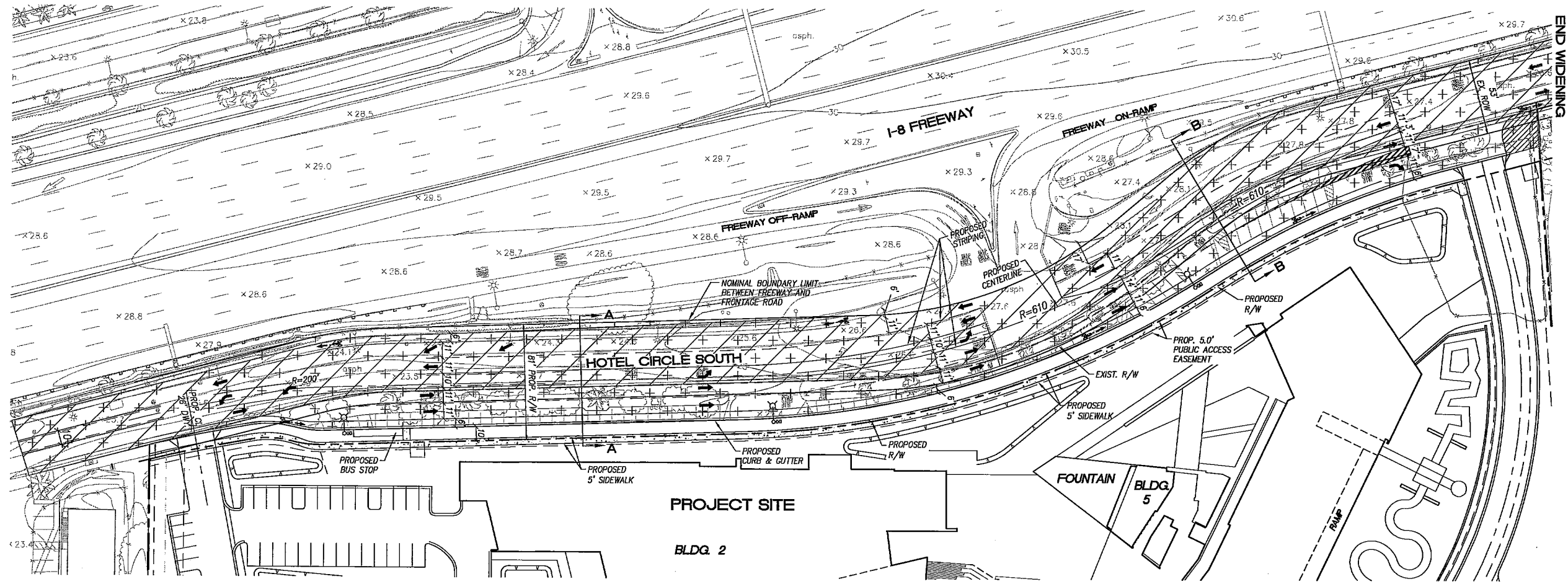
SECTION A-A
EXISTING STREET SECTION
(STA. 162+23.78)



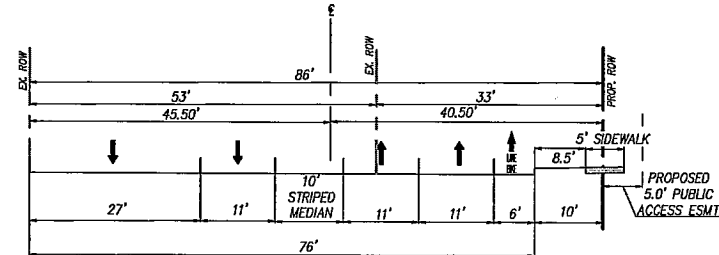
SECTION B-B
EXISTING STREET SECTION
(STA. 166+98.07)



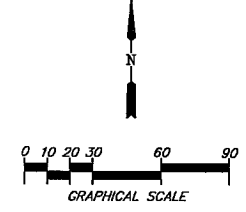
DISTURBED AREAS



SECTION A-A
PROPOSED STREET SECTION
(STA. 162+23.78)



SECTION B-B
PROPOSED STREET SECTION
(STA. 166+98.07)



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12-09-2016 2ND SUBMITTAL
09-30-2016 1ST SUBMITTAL
ISSUES



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3048.60
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IN SET FILE
DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

**REGIONAL
CIRCULATION
MAP**

DRAWING NO:
10 of 33
C-10



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9500 La Jolla Village Drive, Suite 800 San Diego, CA 92121
619.594.4141



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San Diego, CA. 92108

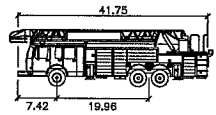
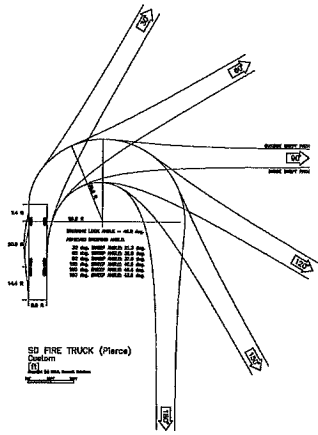
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12-09-2016 2ND SUBMITTAL
09-30-2016 1ST SUBMITTAL
ISSUES



PROJECT NO: 3048.00
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DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

FIRE
ACCESS
PLAN

DRAWING NO:
11 of 33
C-11



SD FIRE TRUCK (Pierce)
Width : 6.00
Track : 6.83
Lock to Lock Time : 6.0
Steering Angle : 45.0



LEGEND:

AC PAVEMENT- ROAD

FIRE ACCESS PATHWAY



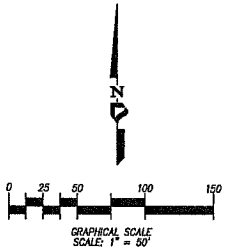
NOTES:

- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6.
- POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE STRUCTURE.
- PROVIDE FIRE ACCESS ROADWAY SIGNS OR RED CURBS IN ACCORDANCE WITH FHPS POLICY A-08-1.
- AN ILLUMINATED DIRECTORY, IN ACCORDANCE WITH FHPS POLICY I-00-5, SHALL BE PROVIDED.

FIRE DEPARTMENT NOTES

- FIRE ACCESS ROADWAY SIGNS OR RED CURBS SHALL BE PROVIDED IN ACCORDANCE WITH FHPS POLICY A-00-1.
- POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE STRUCTURES PER FHPS POLICY P-00-6.
- AN ILLUMINATED DIRECTORY SHALL BE PROVIDED IN ACCORDANCE WITH FHPS POLICY I-00-5.
- ALL STREETS LESS THAN 26' SHALL HAVE PARKING PROHIBITED ON BOTH SIDES.
- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY, PER FHPS POLICY P-00-6.
- AN APPROVED VEHICLE PROBE DETECTOR SYSTEM WITH KNOW KEYSWITCH OVER ROOF, SATISFACTORY TO THE FIRE MARSHAL, SHALL BE PROVIDED AT THE MAIN VEHICLE ENTRY POINTS TO THIS PROJECT.
- ALL FIRE ACCESS ROADS SHALL COMPLY PER CITY OF SAN DIEGO FIRE DEPARTMENT BFLS POLICY A-86-9.

TEMPORARY STREET SIGNS ARE REQUIRED IN ACCORDANCE WITH UFC 901.4.5



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LEGACY INTERNATIONAL
875 HOTEL CIRCLE SOUTH SAN DIEGO, CALIFORNIA

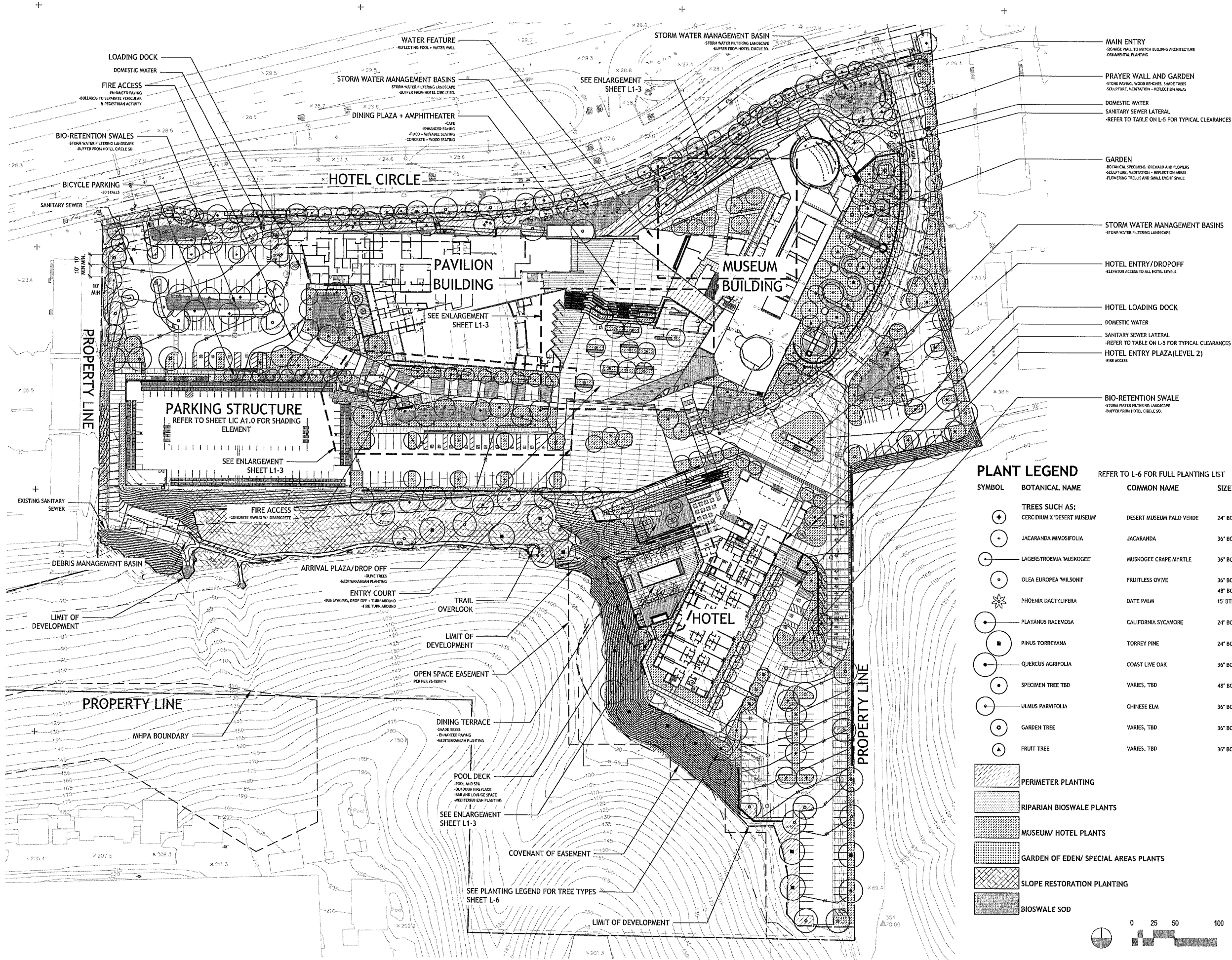
ISSUES 09-30-2016 LIC SUBMITTAL
PRELIMINARY NOT FOR CONSTRUCTION

PROJECT NO:
5634.00
FILE NAME:
DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

**LANDSCAPE
CONCEPT PLAN**

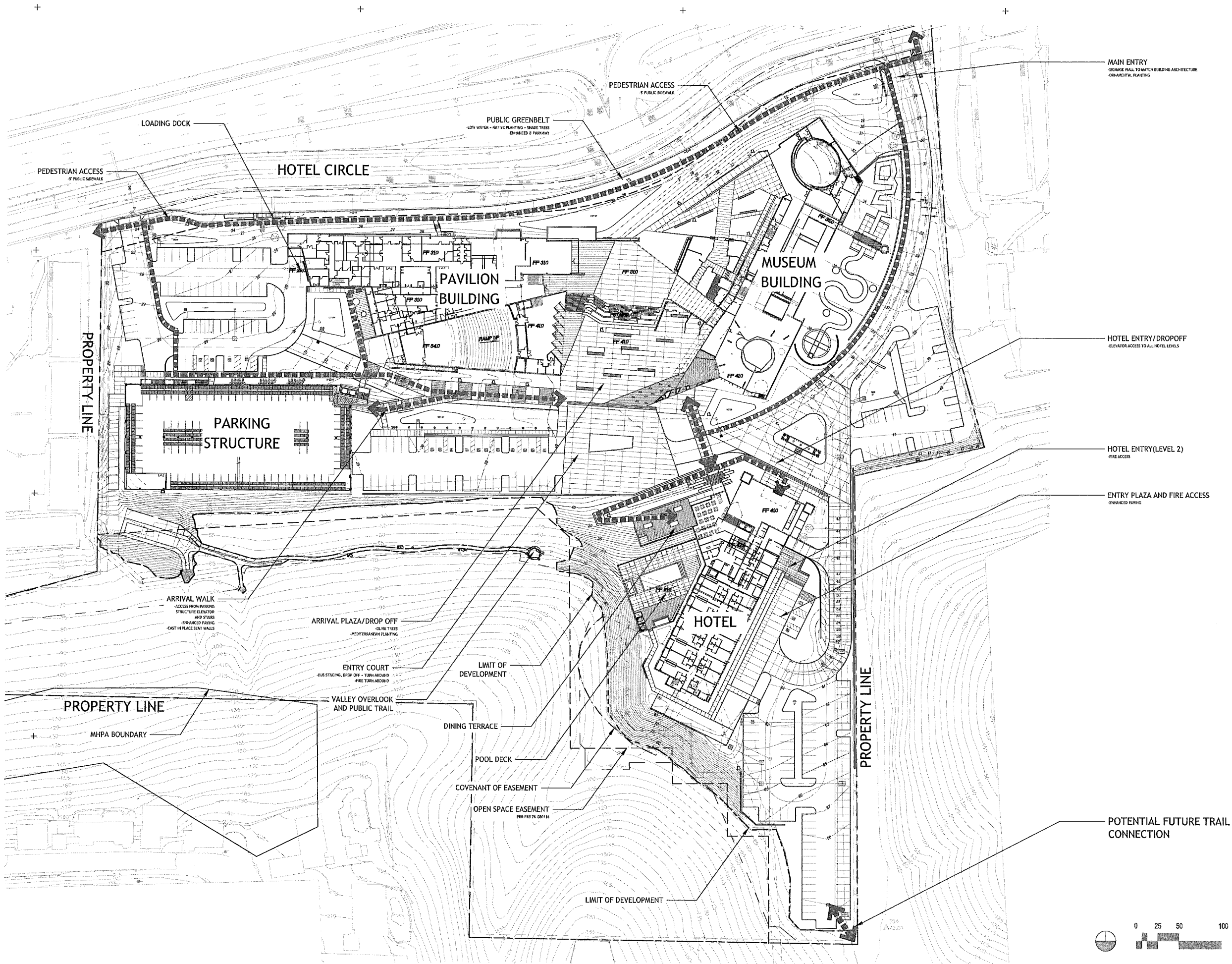
DRAWING NO:

L-1
SHEET 12 OF 33



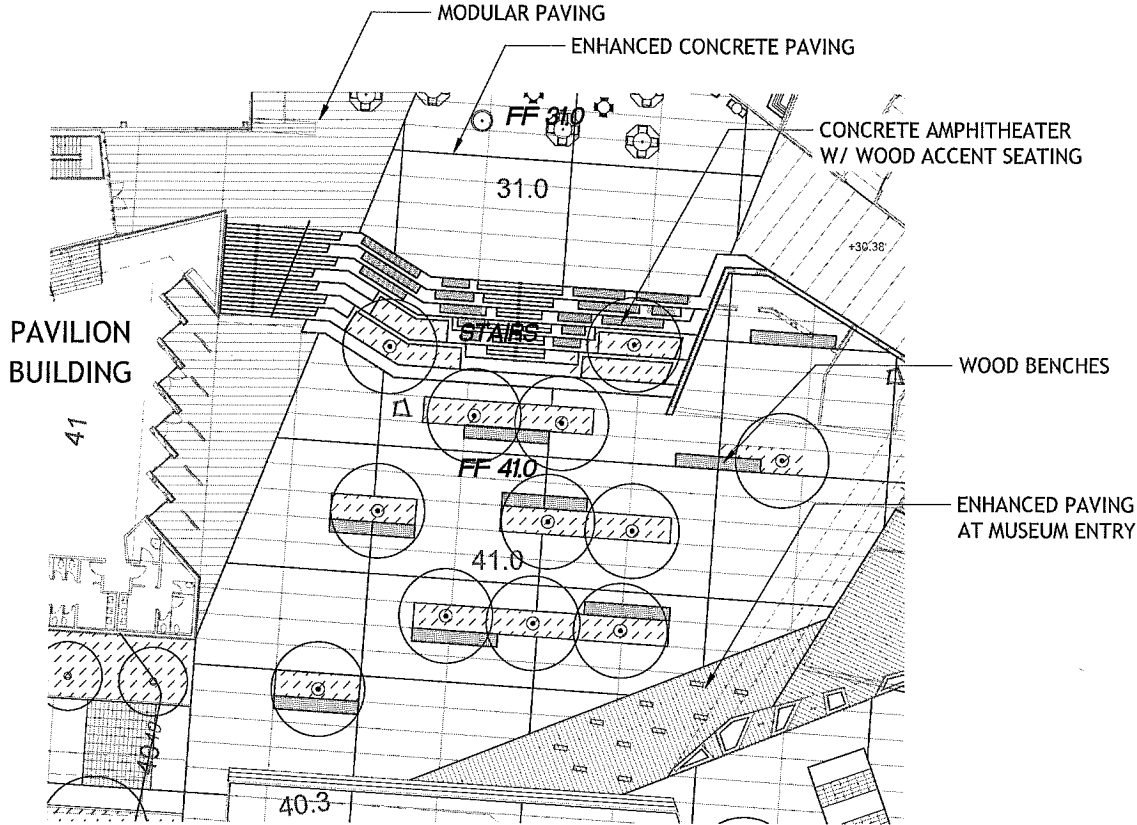
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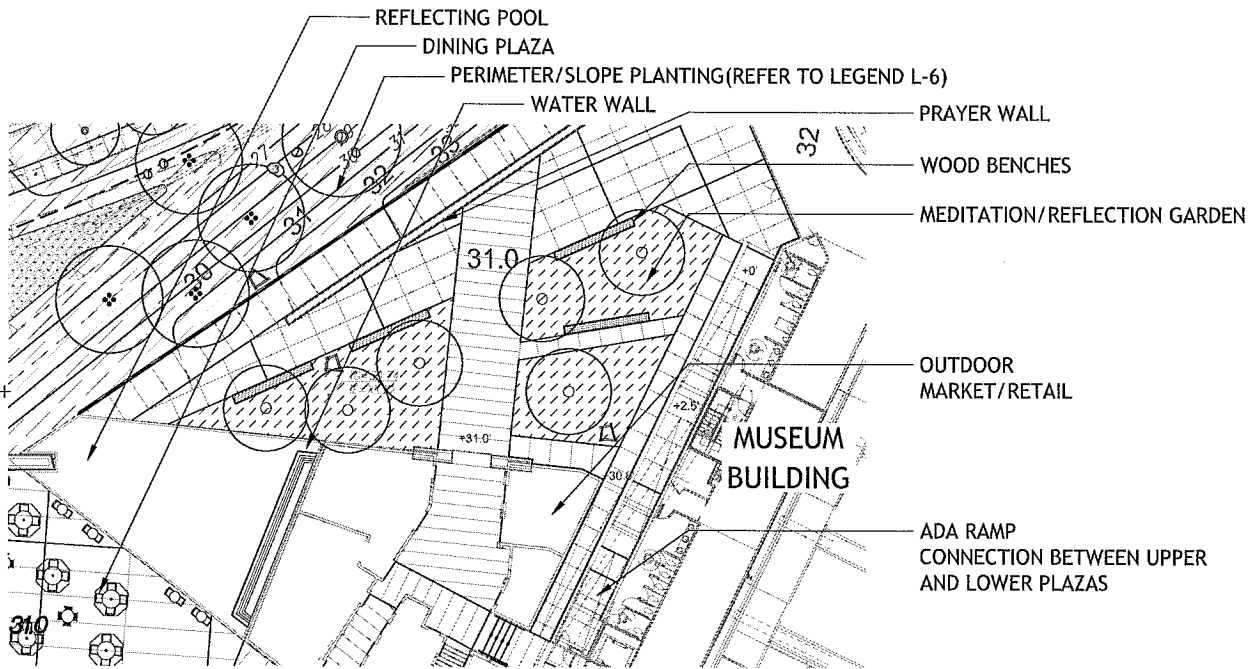


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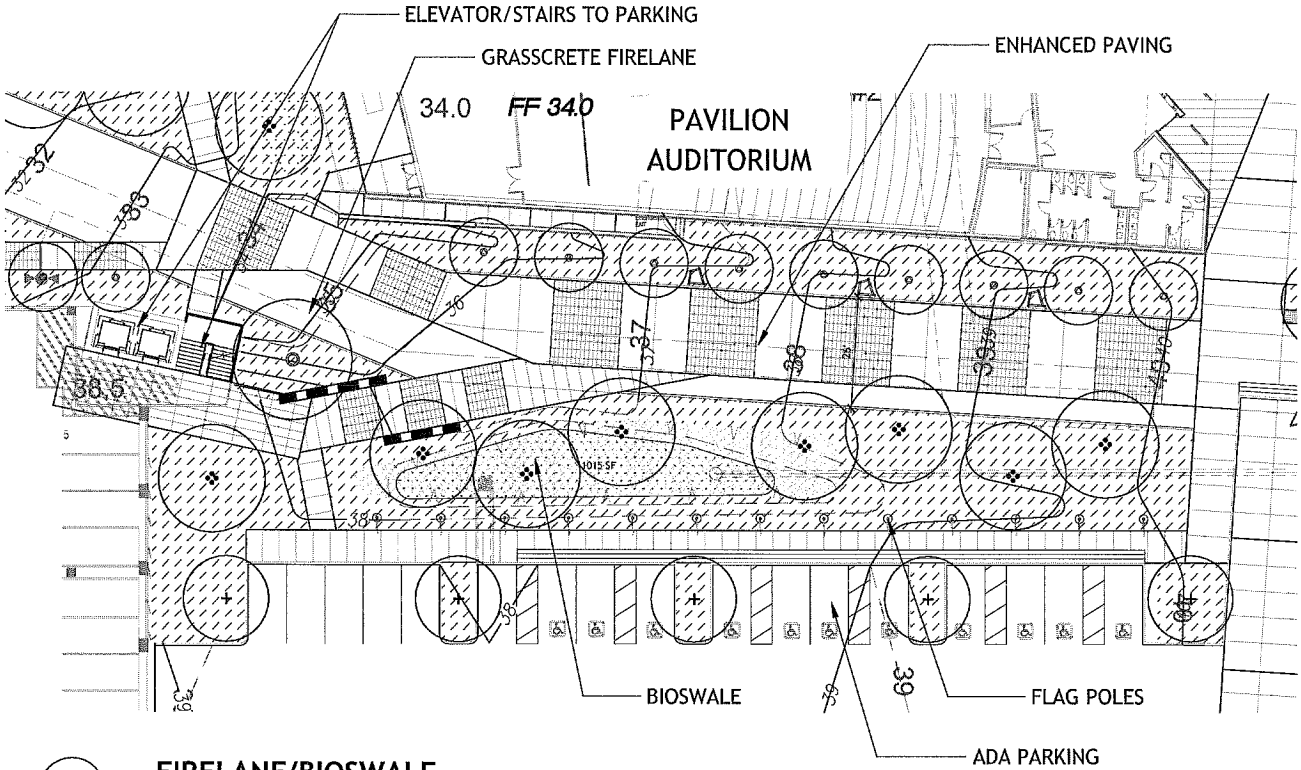
SEE PLANTING PLAN LEGEND L-6 FOR TREE TYPES/PLANTING HATCHES



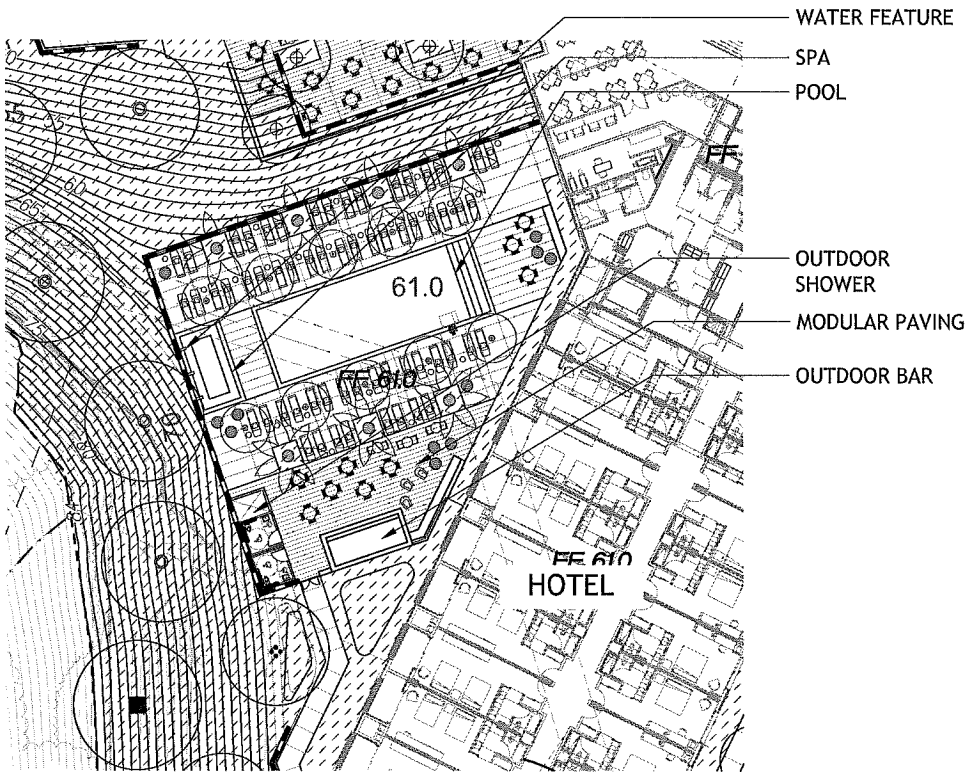
1 ARRIVAL PLAZA + AMPHITHEATER
SCALE: 1"=20'



3 WATER FEATURE
SCALE: 1"=20'



2 FIRELANE/BIOSWALE
SCALE: 1"=20'



4 POOL DECK
SCALE: 1"=20'

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phone 619.239.2353 | fax 619.239.6227

landLAB
LANDSCAPE ARCHITECTURE
Jill Duggan, Landscape Architect
11/20/17
11/20/17



LEGACY INTERNATIONAL
875 HOTEL CIRCLE SOUTH SAN DIEGO, CALIFORNIA

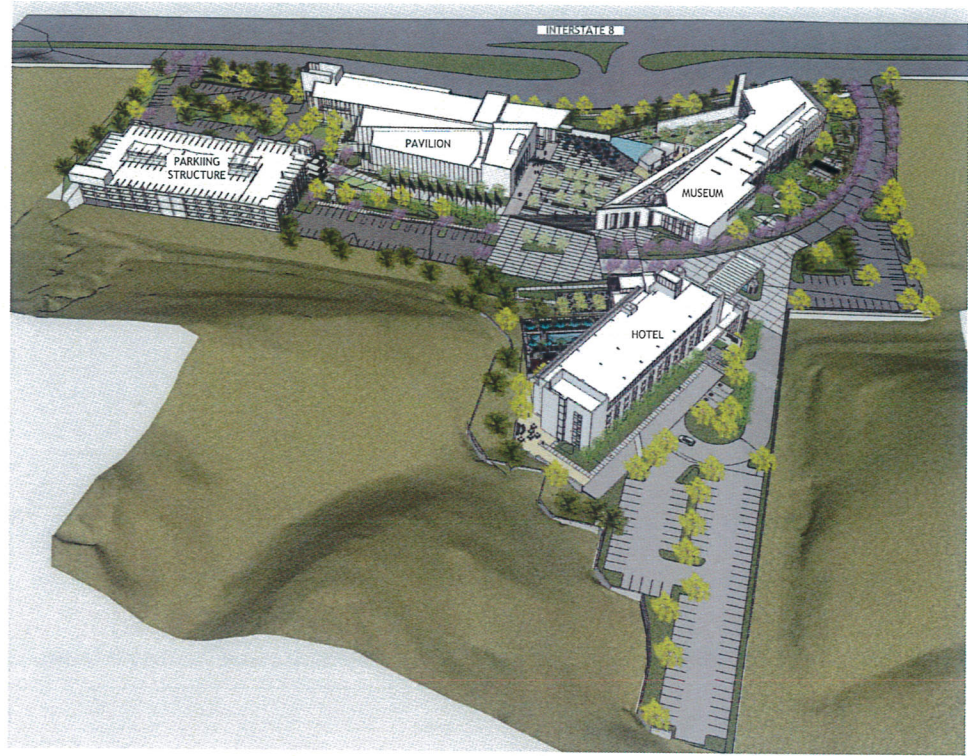
ISSUES: 09-30-2016 LIC SUBMITTAL
PRELIMINARY NOT FOR CONSTRUCTION

PROJECT NO:
5634.00
FILE NAME:
DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

LANDSCAPE
CONCEPT
DETAILS

DRAWING NO:

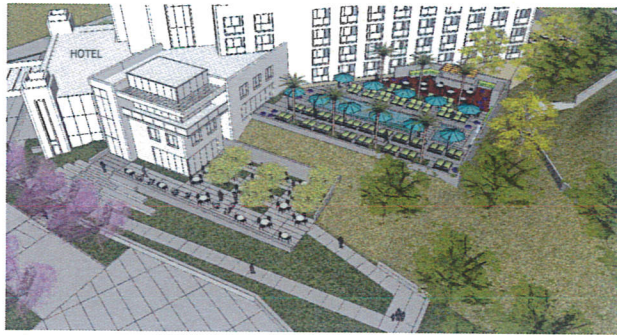
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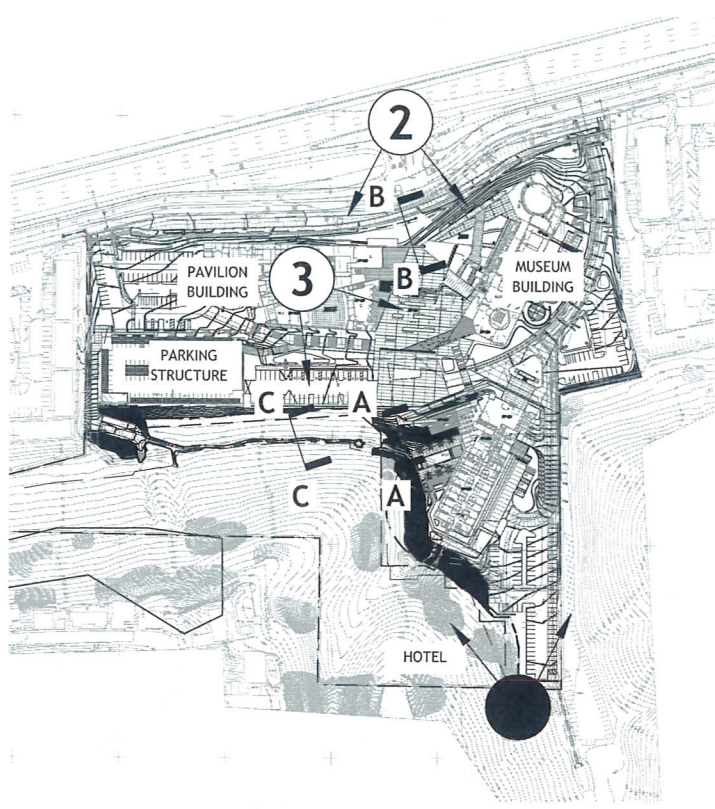
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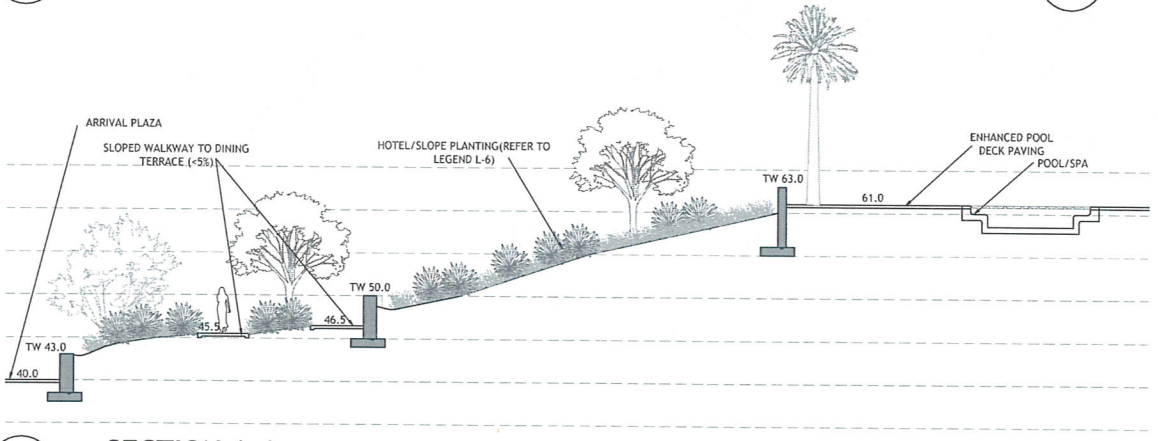
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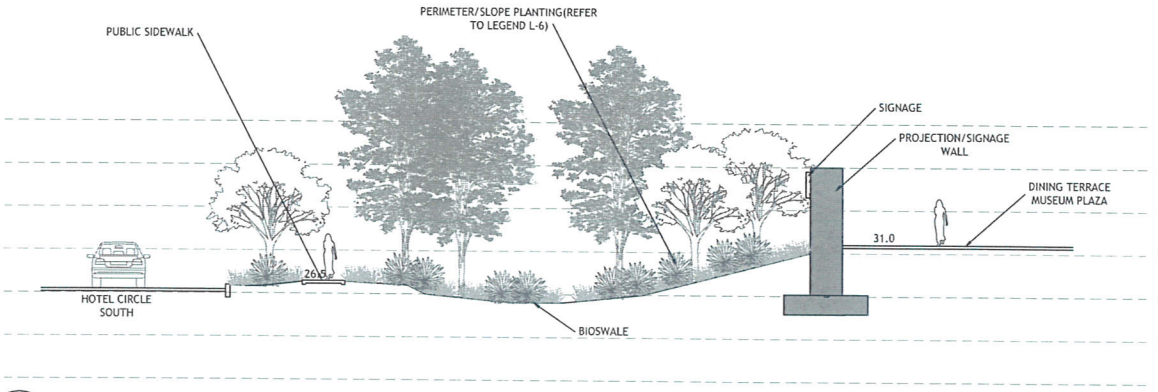
3 CONCEPT AERIAL VIEW
SCALE: 1"=10'



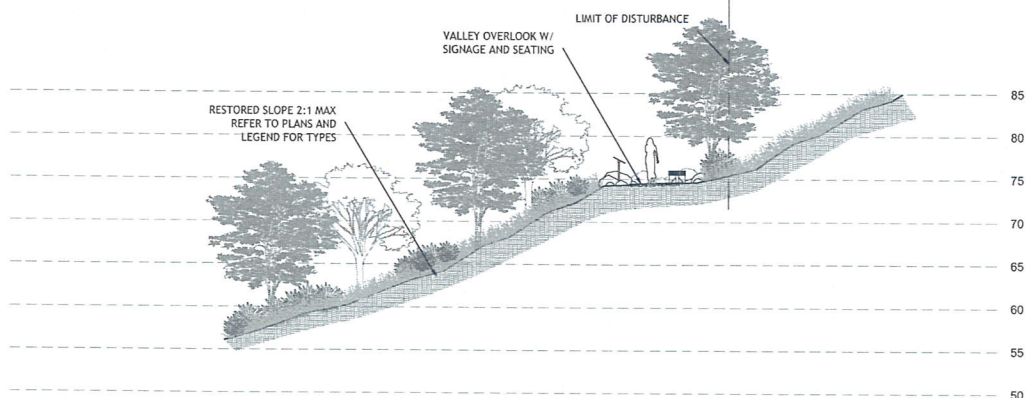
KEY PLAN
SCALE: NTS



4 SECTION A-A
SCALE: 1"=10'



6 SECTION B-B
SCALE: 1"=10'



5 SECTION C-C
SCALE: 1"=10'

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NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFIRM TO THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS AND CITY OF SAN DIEGO DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL REGIONAL STANDARDS FOR LANDSCAPE INSTALLATION AND MAINTENANCE.
- NO IMPROVEMENTS, INCLUDING ENHANCED PAVING, IRRIGATION AND LANDSCAPING, SHALL BE INSTALLED IN OR OVER ANY EASEMENT PRIOR TO THE APPLICANT OBTAINING AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT.
- PERMANENT MONUMENT SIGNAGE MAY BE PROPOSED BY THE DEVELOPER.
- MINIMUM 24-INCH BOX SIZE STREET TREES SHALL BE INSTALLED IN THE PUBLIC RIGHT-OF-WAY. TREE PLANTING AREAS SHALL HAVE A MINIMUM 40 SQUARE FEET OF AIR-AND-WATER, PERMEABLE AREA.
- INSTALL ALL APPROVED LANDSCAPE AND OBTAIN ALL REQUIRED LANDSCAPE INSPECTION FORMS AND OBTAIN A NO FEE STREET TREE PERMIT FOR ALL STREET TREES. COPIES OF THESE APPROVED DOCUMENTS MUST BE SUBMITTED TO THE CITY.
- IMPROVEMENTS SUCH AS DRIVEWAYS, UTILITIES, DRAINS, AND WATER/SEWER LATERALS SHALL BE DESIGNED SO AS NOT TO PROHIBIT THE PLACEMENT OF STREET TREES. ALL TO THE SATISFACTION OF THE CITY.
- TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENT OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. ROOT BARRIERS WHICH WRAP AROUND THE ROOT BALL ARE NOT PERMITTED.
- MULCH: ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO MINIMUM DEPTH OF 2 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLANTED WITH GROUND COVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THIS MINIMUM DEPTH.
- NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY MAY BE LOCATED WITHIN TEN FEET OF ANY SEWER FACILITIES.

IRRIGATION NOTES:

ORNAMENTAL LANDSCAPE AREAS WILL BE SERVED BY A PERMANENT, AUTOMATIC MULTIPLE-VALVE IRRIGATION SYSTEM. THIS SYSTEM WILL USE LOW PRECIPITATION HEADS, SEGREGATED BASED ON PLANT MATERIAL TYPE AND ASPECT, AND BE DESIGNED TO MINIMIZE OVERSPRAY ONTO ANY NATIVE AREAS, HARDSCAPE SURFACE. RECYCLED WATER MAY BE USED, IF AVAILABLE. ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE.

GRADING NOTES:

- PERMANENT REVEGETATION - ALL GRADED, DISTRIBUTED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND IRRIGATED AS SHOWN IN TABLE 142-04F AND IN ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL.
- TEMPORARY REVEGETATION - GRADED, DISTURBED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED, COVERED BY STRUCTURE, OR PLANTED FOR A PERIOD OVER 90 CALENDAR DAYS SHALL BE TEMPORARILY REVEGETATED WITH A NON-IRRIGATED HYDROSEED MIX, GROUND COVER, OR EQUIVALENT MATERIAL. TEMPORARY IRRIGATION SYSTEMS MAY BE USED TO ESTABLISH THE VEGETATION.
- ALL REQUIRED REVEGETATION AND EROSION CONTROL SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS OF THE COMPLETION OF GRADING OR DISTURBANCE.

MINIMUM TREE SEPARATION DISTANCE:

TRAFFIC SIGNAL, STOP SIGN	20 FEET
UNDERGROUND UTILITY LINES	5 FEET
ABOVE GROUND UTILITY STRUCTURES	10 FEET
DRIVEWAYS	10 FEET
INTERSECTIONS	25 FEET
SEWERS	10 FEET

LANDSCAPE CALCULATIONS:

STREET YARD REQUIREMENTS:

REQUIRED PLANTING AREA	AREA PROVIDED	EXCESS AREA
STREET YARD:	91,138 SQ. FT. X 25% =22,785 SQ. FT.	44,767 SQ. FT.
REQUIRED PLANTING POINTS	POINTS PROVIDED	EXCESS POINTS
STREET YARD:	91,138 SQ. FT. X 0.05 =4,557 POINTS	9,556 POINTS

REMAINING YARD REQUIREMENTS:

REQUIRED PLANTING AREA	AREA PROVIDED	EXCESS AREA
REMAINING YARD	14,107 SQ. FT. X 30% =4,232 SQ. FT.	12,359 SQ. FT.
REQUIRED PLANTING POINTS	POINTS PROVIDED	EXCESS POINTS
REMAINING YARD	14,107 SQ. FT. X 0.05 =705 POINTS	3,841 POINTS

NOTE 1: MOST OF THE REMAINING YARD IS LOCATED WITHIN THE OPEN SPACE EASEMENT ALONG SOUTHERN PORTIONS OF THE PROPERTY. THE EXISTING, NATIVE VEGETATION MEETS THE INTENT OF A "REMAINING YARD". NO ADDITIONAL PLANTING AREA/ POINTS WOULD BE REQUIRED ALONG THOSE PORTIONS OF THE REMAINING YARD.

VEHICULAR USE AREA REQUIREMENTS:

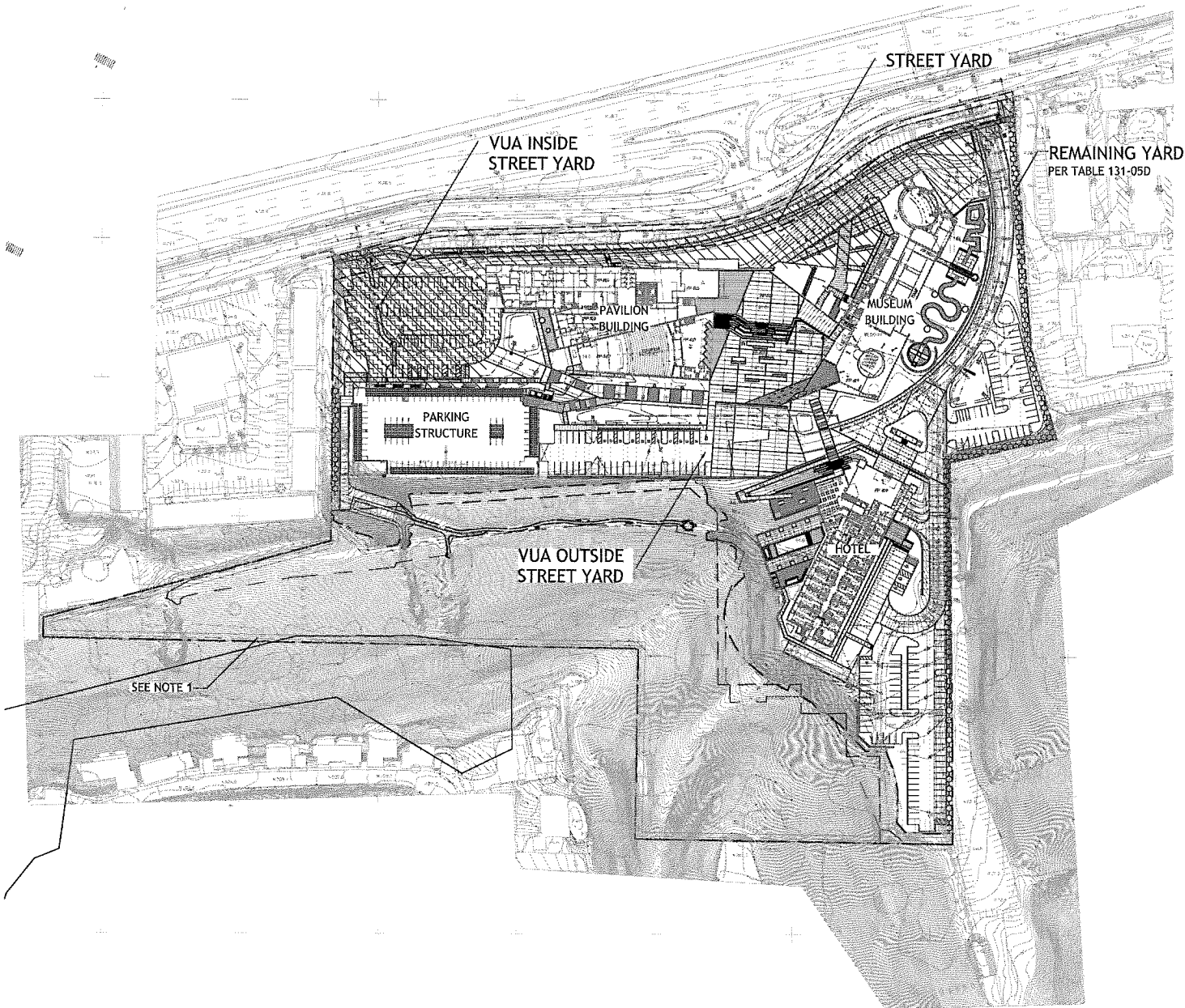
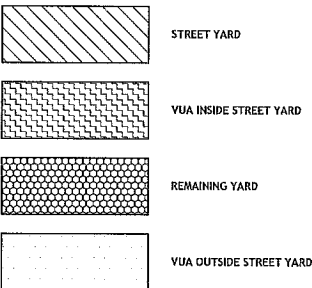
REQUIRED PLANTING AREA	AREA PROVIDED	EXCESS AREA
VUA INSIDE STREET YARD	29,475 SQ. FT. X 0.05 =1,474 SQ. FT.	5,666 SQ. FT.
VUA OUTSIDE STREET YARD	112,526 SQ. FT. X 0.03 =3,376 SQ. FT.	18,340 SQ. FT.
REQUIRED PLANTING POINTS	POINTS PROVIDED	EXCESS POINTS
VUA INSIDE STREET YARD	29,475 SQ. FT. X 0.05 =1,474 POINTS	1493 POINTS
VUA OUTSIDE STREET YARD	112,526 SQ. FT. X 0.03 =3,376 POINTS	4,078 POINTS

NOTE 2: AN ARCHITECTURAL EQUIVALENCY TO CANOPY TREES IN RAISED PLANTERS IS TO INCORPORATE SHADE STRUCTURES THAT PROVIDE A MINIMUM 50% COVERAGE OVER EACH EXPOSED PARKING STALL WITH A MINIMUM 50% OPACITY TO THE SHADING ELEMENT. REFER TO LIC A1.0 FOR SHADING ELEMENT.

STREET TREE REQUIREMENTS:

STREET PUBLIC	REQUIRED	PROVIDED	EXCESS
HOTEL CIRCLE SOUTH (FRONTAGE)	970 LF/30 = 33 TREES	35 TREES	2 TREES

LANDSCAPE CALCULATION/DIAGRAM:



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PLANT LEGEND REFER TO PLANTING PLAN L-1

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	FORM	MATURE HEIGHT AND SPREAD
	TREES SUCH AS:				
	CERCIDIMUM X 'DESERT MUSEUM'	DESERT MUSEUM PALO VERDE	24" BOX	STANDARD	20' X 20'
	JACARANDA MIMOSIFOLIA	JACARANDA	36" BOX	STANDARD	30' X 30'
	LAGERSTROEMIA 'MUSKOGEE'	MUSKOGEE CRAPE MYRTLE	36" BOX	STANDARD	15' X 15'
	OLEA EUROPEA 'WILSONII'	FRUITLESS OLIVE	36" BOX	MULTI	25' X 30'
	PHOENIX DACTYLIFERA	DATE PALM	15" BTH	SINGLE	WHERE NOTED
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24" BOX	NATURAL	40' X 40'
	PINUS TORREYANA	TORREY PINE	24" BOX	NATURAL	40' X 35'
	QUERCUS AGRIFOLIA	COAST LIVE OAK	36" BOX	NATURAL	40' X 40'
	SPECIMEN TREE TBD	VARIES, TBD	48" BOX	NATURAL	VARIES
	ULMUS PARVIFOLIA	CHINESE ELM	36" BOX	NATURAL	40' X 40'
	GARDEN TREE	VARIES, TBD	36" BOX	NATURAL	VARIES
	FRUIT TREE	VARIES, TBD	36" BOX	NATURAL	VARIES
	PERIMETER PLANTING SUCH AS:				
	ARCTOSTAPHYLOS SPP	MANZANITA	1 GALLON	3" O.C.	ESTIMATE 60% 1 GALLON @ 30" O.C.
	DODONEA VISCOSA	PURPLE HOPSEED	15 GALLON	4" O.C.	
	ENCELIA CALIFORNICA	CALIFORNIA SUNFLOWER	1 GALLON	30" O.C.	
	IYA HAYSIANA	POVERTY WEED	1 GALLON	30" O.C.	
	MISCANTHUS TRANSMORRISONENSIS	MAIDEN GRASS	5 GALLON	30" O.C.	
	MUHLBERGIA RIGENS	DEER GRASS	1 GALLON	4'-6" O.C.	
	HETEROMELES ARBUTIFOLIA	TOYON	5 GALLON	4" O.C.	
	RHAMNUS CALIFORNICA	COFFEEBERRY	1 GALLON	4" O.C.	
	RHUS INTEGRIFOLIA	LEMONADEBERRY	5 GALLON	4" O.C.	
	RIPARIAN BIOSWALE PLANTS SUCH AS:				
	ARISTIDA PURPUREA	PURPLE THREE AWN	1 GALLON	18" O.C.	ESTIMATE 50% 1 GALLON @ 30" O.C. 50% 5 GALLON @ 60" O.C.
	CAREX SPISSA	SAN DIEGO SEDGE	1 GALLON	30" O.C.	
	CHONDRPETALUM TECTORUM	CAPE RUSH	5 GALLON	3" O.C.	
	CISTUS 'SUNSET'	ROCKROSE	1 GALLON	3" O.C.	
	DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	2" O.C.	
	IYA HAYSIANA	POVERTY WEED	1 GALLON	30" O.C.	
	LEYMUS C. 'CANYON PRINCE'	CANYON PRINCE WILD RYE	1 GALLON	30" O.C.	
	MISCANTHUS TRANSMORRISONENSIS	MAIDEN GRASS	5 GALLON	30" O.C.	
	MUHLBERGIA RIGENS	DEER GRASS	1 GALLON	4'-6" O.C.	
	MUSEUM/ HOTEL PLANTS SUCH AS:				
	ASPARAGUS DENSIFLORUS	FOXTAIL FERN	1 GALLON	2" O.C.	ESTIMATE 30% 1 GALLON @ 30" O.C. 70% 5 GALLON @ 60" O.C.
	AGAVE ATTENUATA BOUTIN BLUE	BLUE FOX TAIL AGAVE	5 GALLON		
	AGAVE VILMORANIAMA	OCTOPUS AGAVE	5 GALLON	4" O.C.	
	AGAVE PARRYI TRUNCATA	ARTICHOKE AGAVE	5 GALLON	30" O.C.	
	ALOE BARBARIDENSIS	ALOE VERA	5 GALLON	24" O.C.	
	ARISTIDA PURPUREA	PURPLE THREE AWN	1 GALLON	18" O.C.	
	BOUGAINVILLEA BRAZILENSIS	BOUGAINVILLEA	5 GALLON	48" O.C.	
	CISTUS 'SUNSET'	ROCKROSE	1 GALLON	3" O.C.	
	CORDYLINA 'RED SENSATION'	RED SENSATION CORDYLINA	5 GALLON	42" O.C.	
	DIANELLA 'TASHANICA'	VARIEGATED FLAX LILY	1 GALLON	18" O.C.	
	DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	2" O.C.	
	FURCRAEA FOETIDA	MAURITIUS HEMP	15 GALLON	4" O.C.	
	HESPERALOE PARVIFLORA	RED YUCCA	5 GALLON	30" O.C.	
	IYA HAYSIANA	POVERTY WEED	1 GALLON	30" O.C.	
	LEYMUS C. 'CANYON PRINCE'	CANYON PRINCE WILD RYE	1 GALLON	30" O.C.	
	MISCANTHUS TRANSMORRISONENSIS	MAIDEN GRASS	5 GALLON	30" O.C.	
	PODOCARPUS 'ICEE BLUE'	ICEE BLUE YELLOW WOOD	15 GALLON	30" O.C.	
	SALVIA 'SANTA BARBARA'	SANTA BARBARA SAGE	1 GALLON	3" O.C.	

MATURE HEIGHT
AND SPREAD



GARDEN OF EDEN/ SPECIAL AREAS PLANTS SUCH AS:

ALOE SPP.	ALOE SPECIES	1 GALLON
AGAVE SPP.	AGAVE SPECIES	5 GALLON
CACTUS SPP.	CACTUS SPECIES	5 GALLON
FLOWERS SPP.	FLOWER VARIETIES	1 GALLON
FRUIT TREES SPECIES	FRUIT VARIETY	15 GALLON
ORNAMENTAL GRASSES	MIXED GRASSES	1 GALLON
LAVANDULA SPP.	LAVENDER SPECIES	1 GALLON
ROSA SPP.	ROSE SPECIES	5 GALLON
SALVIA SPP.	SAGE SPECIES	1 GALLON
VITUS VINIFERA	GRAPE SPECIES	5 GALLON

ESTIMATE
25% 1 GALLON @ 24" O.C.
60% 5 GALLON @ 36" O.C.
15% 15 GALLON @ 60" O.C.

REVEGETATION PLANTING LEGEND:

NATURALIZED AND TRANSITIONAL AREAS (ENHANCED AND NEW SOUTHERN CHAPARRAL, MIX, NON-NATIVE GRASSLAND, AND CHAPARRAL HABITAT)

THE FOLLOWING PALETTE IS CONSISTENT WITH THE CITY OF SAN DIEGO'S REVEGETATION PLANT PALETTE PER THE COMMUNITY PLAN. REVEGETATION SHALL BE SELECTED FROM THIS PALETTE OR APPROVED EQUAL. TEMPORARY IRRIGATION WILL BE PROVIDED UNTIL PLANTS ARE ESTABLISHED.



SLOPE RESTORATION PLANTING SUCH AS:

MUHLBERGIA RIGENS	DEER GRASS	1 GALLON	AREA TO BE 15 GALLON
HETEROMELES ARBUTIFOLIA	TOYON	1 GALLON	
RHAMNUS CALIFORNICA	COFFEEBERRY	1 GALLON	
RHUS INTEGRIFOLIA	LEMONADEBERRY	1 GALLON	

		SIZE	SPACING	ESTIMATE
SOUTHERN CHAPARRAL HYDROSEED MIX				
ARTEMESIA CALIFORNICA	COASTAL SAGEBRUSH	2	15' / 50'	%PURITY/ GERMINATION
ENCELIA CALIFORNICA	BUSH SUNFLOWER	4	40' / 60'	
ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	6	10' / 65'	
ERIOPHYLLUM CONFERTIFLORUM	GOLDEN YARROW	3	30' / 60'	
ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1	98' / 75'	
LOTUS SCOPARIUM	DEERWEED	6	90' / 60'	
LUPINUS BICOLOR	PYGMY-LEAF LUPINE	4	98' / 80'	
LUPINUS NANUS	SKY LUPINE	4	98' / 85'	
MIMULUS PUNICEUS	RED MONKEYFLOWER	2	2' / 55'	
STIPA PULCHRA	PURPLE NEEDLE GRASS	8	90' / 60'	



BIOSWALE SOD

BIOFILTRATION SOD 5 & 5 SEEDS WWW.SSEEDS.COM

NOTES:

A. 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.

B. 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 THE PERMIT.

C. IF ANY REQUIRED LANDSCAPE (INCLUDING EXISTING OR NEW PLANTINGS, HARDSCAPE, LANDSCAPE FEATURES, ETC.) INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, THE OWNER/PERMITTEE SHALL REPAIR AND/OR REPLACE IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE OR CERTIFICATE OF OCCUPANCY.

D. STREET TREE CLEARANCES SHALL BE 5' MIN. OFF UNDERGROUND UTILITY LINES (EXCEPT FOR SEWER) AND 10' MIN. OFF SEWER LINES. SEE MINIMUM TREE SEPARATION DISTANCE TABLE ON SHEET L-5. REFER TO PLAN L-1 FOR UTILITY CLEARANCES.

WATER BUDGET AND USE ESTIMATE:

HYD. #	Perimeter Planting	Shrub/GC	Low	0.3
1	75,000.00			
2	Riparian Bioswale	Shrub/GC	Mod	0.5
	1,500.00			
3	Museum / Hotel	Shrub/GC	Low	0.3
	75,400.00			
4	Garden of Eden	Shrub/GC	Mod	0.5
	13,225.00			
5	Slope Restoration	Seed Mix	Low	0.3
	47,525.00			
6	Turf Grass	Sod	Mod	0.6
	0.00			
7	Bioswale Sod	Sod	Mod	0.6
	11,400.00			
8	Trees		Mod	0.5
	375.00			

Controller No.	Hydrozone No.	Valve Circuit	Plant Factor (PF)	Hydrozone Area in s.f. (HA)	Irrigation Method	Irrigation Efficiency	% Total Landscape Area
1	1	t.b.d.	0.3	75,000	Drip	0.81	32.3%
1	2	t.b.d.	0.5	1,500	Spray	0.75	0.6%
1	3	t.b.d.	0.3	75,400	Drip	0.81	32.5%
Controller No.	4	t.b.d.	0.5	13,225	Drip	0.81	5.7%
Hydrozone	5	t.b.d.	0.3	47,525	Spray	0.75	20.5%
1	6	t.b.d.	0.6	0	Spray	0.75	0.0%
1, HYD 1	7	t.b.d.	0.3	75,000	Spray	0.75	4.9%
1, HYD 1	8	t.b.d.	0.3	75,000	Bubbler	0.75	3.6%
Total							232,300
1, HYD 2							28,830.00
M/A Water Budget Calculation = $[(ET)(A)(PF)] + [(1-ETAF)(SLA)]$ = gallons per year							
ETAF	1, HYD 3	0.45	[[46.5](0.62)]	[[0.3x75,400]/(0.81)]+0			805,104.41
SLA	1, HYD 3	0.45	[[46.5](0.62)]	[[0.45](27,925.94)] + [[0.55](0)]			805,104
SLA	1, HYD 4	0	[[46.5](0.62)]	[[0.5x13,225]/(0.81)]+0			235,356.01
SLA	1, HYD 4	0	[[46.5](0.62)]	[[0.5x13,225]/(0.81)]+0			235,356.01
1, HYD 5			[[46.5](0.62)]	[[0.3x47,525]/(0.75)]+0			548,058.30
1, HYD 6			[[46.5](0.62)]	[[0.6x0]/(0.75)]+0			0.00
1, HYD 7			[[46.5](0.62)]	[[0.6x11,400]/(0.75)]+0			262,929.60
1, HYD 8			[[46.5](0.62)]	[[0.5x8,250]/(0.75)]+0			158,565.00
ETWU: 2,839,677.29							

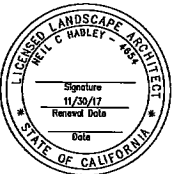
MAWA	3,013,744.00
ETWU	2,839,677.29
MAWA less ETWU	174,066.71

ATTACHMENT 15

carrierjohnson + culture
architecture + environments + brand strategy + graphics

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LEGACY INTERNATIONAL

875 HOTEL CIRCLE SOUTH SAN DIEGO, CALIFORNIA

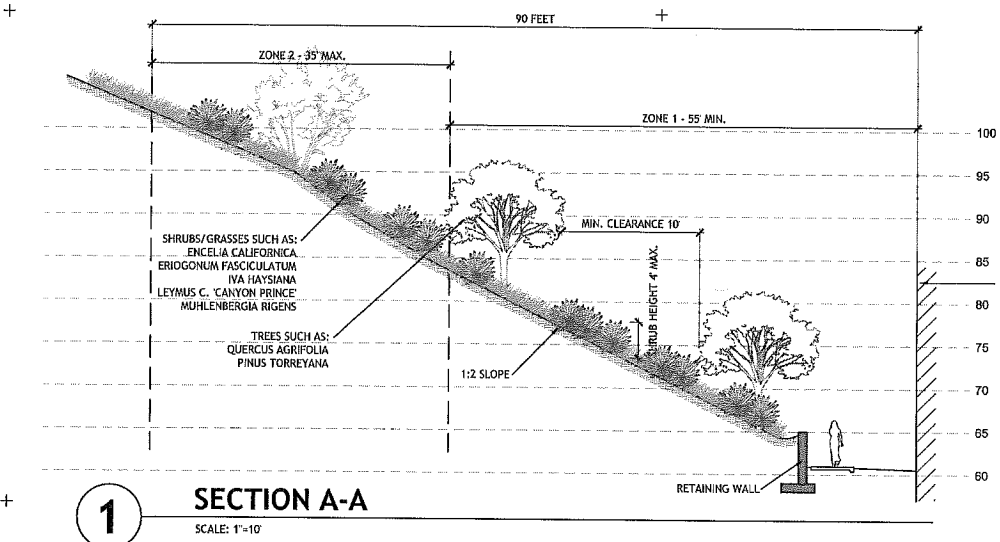
ISSUES 09-30-2016 LIC SUBMITTAL
PRELIMINARY NOT FOR CONSTRUCTION

PROJECT NO:
5634.00
FILE NAME:
DRAWN BY: CHECKED BY:
PLOT DATE:
TITLE:

NOTES +
LEGEND

DRAWING NO:

L-6
SHEET 17 OF 33



BRUSH MANAGEMENT:

BRUSH MANAGEMENT IS REQUIRED IN ALL BASE ZONES ON PUBLICLY OR PRIVATELY OWNED PREMISES THAT ARE WITHIN 100 FEET OF A STRUCTURE AND CONTAIN NATIVE OR NATURALIZED VEGETATION.

(A) BRUSH MANAGEMENT ACTIVITY IS PERMITTED WITHIN ENVIRONMENTALLY SENSITIVE LANDS (EXCEPT FOR WETLANDS) THAT ARE LOCATED WITHIN 100 FEET OF AN EXISTING STRUCTURE IN ACCORDANCE WITH SECTION 143.0110(C)(7). BRUSH MANAGEMENT IN WETLANDS MAY BE REQUESTED WITH A DEVELOPMENT PERMIT IN ACCORDANCE WITH SECTION 143.0110 WHERE THE FIRE CHIEF DEEMS BRUSH MANAGEMENT NECESSARY IN ACCORDANCE WITH SECTION 142.0412(I). WHERE BRUSH MANAGEMENT IN WETLANDS IS DEEMED NECESSARY BY THE FIRE CHIEF, THAT BRUSH MANAGEMENT SHALL NOT QUALIFY FOR AN EXEMPTION UNDER THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS, SECTION 143.0110(C)(7).

(B) BRUSH MANAGEMENT ZONES, WHERE BRUSH MANAGEMENT IS REQUIRED, A COMPREHENSIVE PROGRAM SHALL BE IMPLEMENTED THAT REDUCES FIRE HAZARDS AROUND STRUCTURES BY PROVIDING AN EFFECTIVE FIRE BREAK BETWEEN ALL STRUCTURES AND CONTIGUOUS AREAS OF NATIVE OR NATURALIZED VEGETATION. THIS FIRE BREAK SHALL CONSIST OF TWO DISTINCT BRUSH MANAGEMENT AREAS CALLED "ZONE ONE" AND "ZONE TWO" AS SHOWN IN DIAGRAM 142-04E.

(1) BRUSH MANAGEMENT ZONE ONE IS THE AREA ADJACENT TO THE STRUCTURE. SHALL BE LEAST FLAMMABLE, AND SHALL TYPICALLY CONSIST OF PAVEMENT AND PERMANENTLY IRRIGATED ORNAMENTAL PLANTING. BRUSH MANAGEMENT ZONE ONE SHALL NOT BE ALLOWED ON SLOPES WITH GRADIENT GREATER THAN 4:1 (4 HORIZONTAL FEET TO 1 VERTICAL FOOT) UNLESS THE PROPERTY RECEIVED TENTATIVE MAP APPROVAL BEFORE NOVEMBER 15, 1989. HOWEVER, WITHIN THE COASTAL OVERLAY ZONE COASTAL DEVELOPMENT SHALL BE SUBJECT TO THE ENCROACHMENT LIMITATIONS SET FORTH IN SECTION 143.0142(A)(4) OF THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS.

(2) BRUSH MANAGEMENT ZONE TWO IS THE AREA BETWEEN ZONE ONE AND ANY AREA OF NATIVE OR NATURALIZED VEGETATION AND TYPICALLY CONSISTS OF THINNED, NATIVE OR NATURALIZED NON-IRRIGATED VEGETATION.

(C) THE WIDTH OF ZONE ONE AND ZONE TWO SHALL NOT EXCEED 100 FEET AND SHALL MEET THE WIDTH REQUIREMENTS IN TABLE 142-04H UNLESS MODIFIED BASED ON EXISTING CONDITIONS PURSUANT TO SECTION 142.0412(I) AND THE FOLLOWING:

(1) THE ESTABLISHMENT OF BRUSH MANAGEMENT ZONE ONE AND TWO FOR NEW DEVELOPMENT SHALL BE ADDRESSED IN A SITE-SPECIFIC PLAN TO INCLUDE ALL CREATIVE SITE AND/OR STRUCTURAL DESIGN FEATURES TO MINIMIZE IMPACTS TO UNDISTURBED NATIVE VEGETATION. BOTH ZONE ONE AND ZONE TWO SHALL BE PROVIDED ON THE SUBJECT PROPERTY UNLESS A RECORDED EASEMENT IS GRANTED BY AN ADJACENT PROPERTY OWNER TO THE OWNER OF THE SUBJECT PROPERTY TO ESTABLISH AND MAINTAIN THE REQUIRED BRUSH MANAGEMENT ZONE(S) ON THE ADJACENT PROPERTY IN PERPETUITY.

(2) WHERE ZONE TWO IS LOCATED WITHIN CITY-OWNED PROPERTY, A RIGHT-OF-ENTRY SHALL BE EXECUTED IN ACCORDANCE WITH SECTION 63.0103 PRIOR TO ANY BRUSH MANAGEMENT ACTIVITY. ZONE TWO BRUSH MANAGEMENT IS NOT PERMITTED IN CITY-OWNED OPEN SPACE FOR NEW DEVELOPMENT PROPOSALS. FOR PROPERTIES IN THE COASTAL OVERLAY ZONE, ADDITIONAL REQUIREMENTS FOR NEW SUBDIVISIONS ARE FOUND IN SECTION 142.0412(N).

(D) BRUSH MANAGEMENT ACTIVITIES ARE PROHIBITED WITHIN COASTAL SAGE SCRUB, MARITIME SUCCULENT SCRUB, AND COASTAL SAGE-CHAPARRAL HABITATS FROM MARCH 1 THROUGH AUGUST 15, EXCEPT WHERE DOCUMENTED TO THE SATISFACTION OF THE CITY MANAGER THAT THE THINNING WOULD BE CONSISTENT WITH CONDITIONS OF SPECIES COVERAGE DESCRIBED IN THE CITY OF SAN DIEGO'S MSCP SUBAREA PLAN.

(E) WHERE ZONE ONE WIDTH IS REQUIRED ADJACENT TO THE MHFA OR WITHIN THE COASTAL OVERLAY ZONE, ANY OF THE FOLLOWING MODIFICATIONS TO DEVELOPMENT REGULATIONS OF THE LAND DEVELOPMENT CODE OR STANDARDS IN THE LAND DEVELOPMENT MANUAL ARE PERMITTED TO ACCOMMODATE THE INCREASE IN WIDTH:

(1) THE REQUIRED FRONT YARD SETBACK OF THE BASE ZONE MAY BE REDUCED BY 5 FEET,
(2) A SIDEWALK MAY BE ELIMINATED FROM ONE SIDE OF THE PUBLIC RIGHT-OF-WAY AND THE MINIMUM REQUIRED PUBLIC RIGHT-OF-WAY WIDTH MAY BE REDUCED BY 5 FEET, OR
(3) THE OVERALL MINIMUM PAVEMENT AND PUBLIC RIGHT-OF-WAY WIDTH MAY BE REDUCED IN ACCORDANCE WITH THE STREET DESIGN STANDARDS OF THE LAND DEVELOPMENT MANUAL.

(F) THE ZONE TWO WIDTH MAY BE DECREASED BY 1 1/2 FEET FOR EACH 1 FOOT OF INCREASE IN ZONE ONE WIDTH UP TO MAXIMUM REDUCTION OF 30 FEET OF ZONE TWO WIDTH.

(G) ZONE ONE REQUIREMENTS:

(1) THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.
(2) ZONE ONE SHALL CONTAIN NO HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES. STRUCTURES SUCH AS FENCES, WALLS, PALAPAS, PLAY STRUCTURES, AND NON-HABITABLE GEZEBOS THAT ARE LOCATED WITHIN BRUSH MANAGEMENT ZONE ONE SHALL BE OF NONCOMBUSTIBLE, ONE HOUR FIRE-RATED OR HEAVY TIMBER CONSTRUCTION.
(3) PLANTS WITHIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE-RESISTIVE.
(4) TREES WITHIN ZONE ONE SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURES TO THE DRIP LINE OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.
(5) PERMANENT IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS WITHIN ZONE ONE EXCEPT AS FOLLOWS:
(a) WHEN PLANTING AREAS CONTAIN ONLY SPECIES THAT DO NOT GROW TALLER THAN 24 INCHES IN HEIGHT, OR
(b) WHEN PLANTING AREAS CONTAIN ONLY NATIVE OR NATURALIZED SPECIES THAT ARE NOT SUMMER-DORMANT AND HAVE A MAXIMUM HEIGHT AT PLANT MATURITY OF LESS THAN 24 INCHES.
(6) ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.
(7) ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.

(H) ZONE TWO REQUIREMENTS

(1) THE REQUIRED ZONE TWO WIDTH SHALL BE PROVIDED BETWEEN ZONE ONE AND THE UNDISTURBED, NATIVE OR NATURALIZED VEGETATION, AND SHALL BE MEASURED FROM THE EDGE OF ZONE ONE THAT IS FARTHEST FROM THE HABITABLE STRUCTURE, TO THE EDGE OF UNDISTURBED VEGETATION.
(2) NO STRUCTURES SHALL BE CONSTRUCTED IN ZONE TWO.
(3) WITHIN ZONE TWO, 50 PERCENT OF THE PLANTS OVER 24 INCHES IN HEIGHT SHALL BE CUT AND CLEARED TO A HEIGHT OF 6 INCHES.
(4) WITHIN ZONE TWO, ALL PLANTS REMAINING AFTER 50 PERCENT ARE REDUCED IN HEIGHT, SHALL BE PRUNED TO REDUCE FUEL LOADING IN ACCORDANCE WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL. NON-NATIVE PLANTS SHALL BE PRUNED BEFORE NATIVE PLANTS ARE PRUNED.
(5) THE FOLLOWING STANDARDS SHALL BE USED WHERE ZONE TWO IS IN AN AREA PREVIOUSLY GRADED AS PART OF LEGAL DEVELOPMENT ACTIVITY AND IS PROPOSED TO BE PLANTED WITH NEW PLANT MATERIAL INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION:
(a) ALL NEW PLANT MATERIAL FOR ZONE TWO SHALL BE NATIVE, LOW-FUEL, AND FIRE-RESISTIVE. NO NON-NATIVE PLANT PLANT MATERIAL MAY BE PLANTED IN ZONE TWO EITHER INSIDE THE MHFA OR IN THE COASTAL OVERLAY ZONE, ADJACENT TO AREAS CONTAINING SENSITIVE BIOLOGICAL RESOURCES.
(b) NEW PLANTS SHALL BE LOW-GROWING WITH A MAXIMUM HEIGHT AT MATURITY OF 24 INCHES. SINGLE SPECIMENS OF FIRE RESISTIVE NATIVE TREES AND TREE FORM SHRUBS MAY EXCEED THIS LIMITATION IF THEY ARE LOCATED TO REDUCE THE CHANCE OF TRANSMITTING FIRE FROM NATIVE OR NATURALIZED VEGETATION TO HABITABLE STRUCTURES AND IF THE VERTICAL DISTANCE BETWEEN THE LOWEST BRANCHES OF THE TREES AND THE TOP OF ADJACENT PLANTS ARE THREE TIMES THE HEIGHT OF THE ADJACENT PLANTS TO REDUCE THE SPREAD OF FIRE THROUGH LADDER FUELING.
(c) ALL NEW ZONE TWO PLANTINGS SHALL BE IRRIGATED TEMPORARILY UNTIL ESTABLISHED TO THE SATISFACTION OF THE CITY MANAGER. ONLY LOW-FLOW, LOW-GALLONAGE SPRAY HEADS MAY BE USED IN ZONE TWO. OVERSPRAY AND RUNOFF FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON APPROVED ESTABLISHMENT OF THE PLANTINGS. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.

Table 142-04H
Brush Management Zone Width Requirements AT HOTEL

Criteria	STANDARD	ACTUAL
Zone One Width	35 ft.	55-80 ft.
Zone Two Width	65 ft.	35-0 ft.

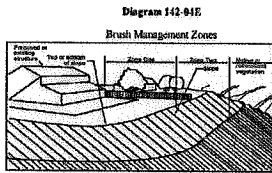
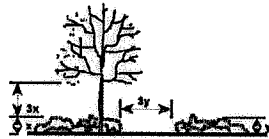
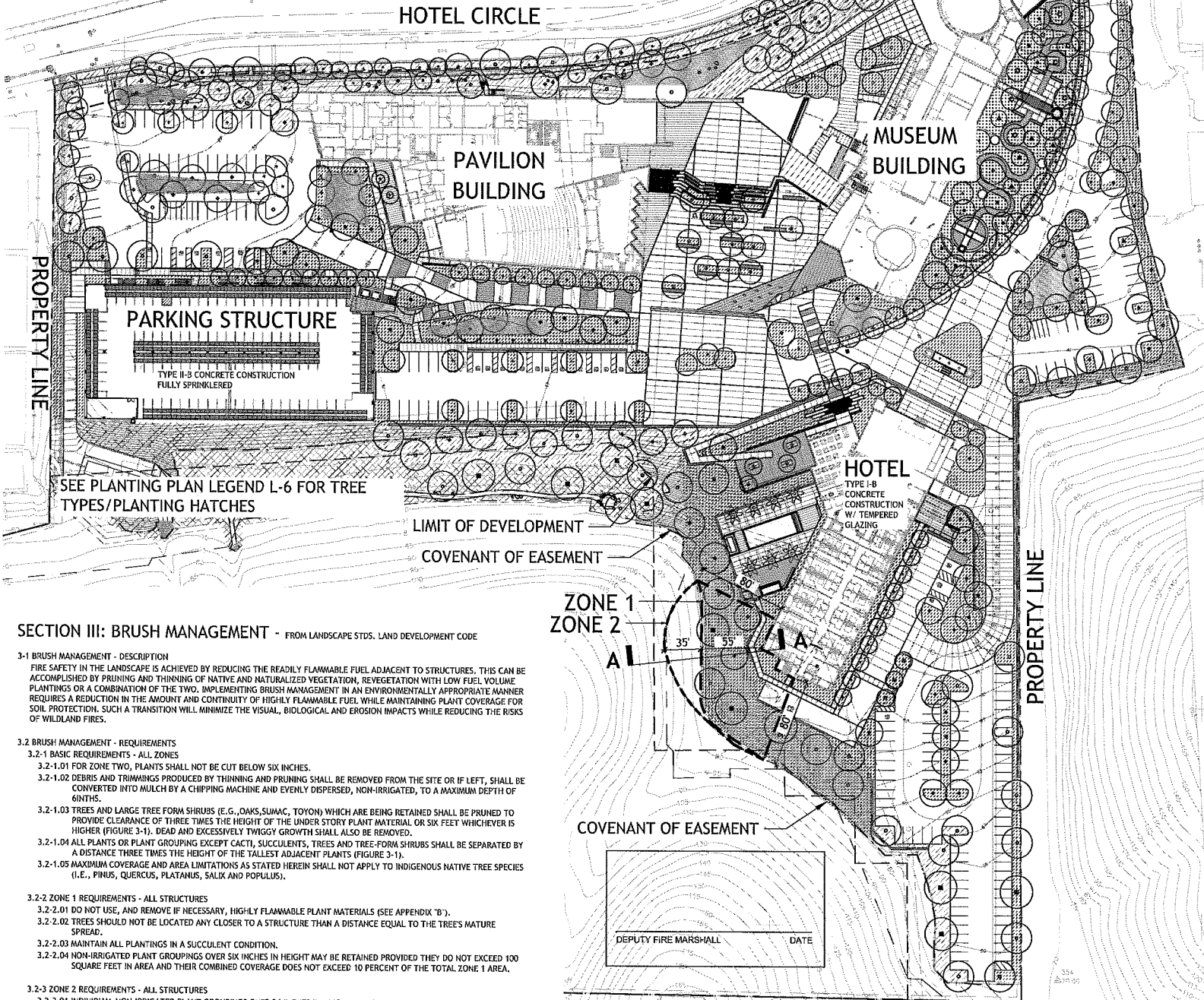


FIGURE 3-1
PRUNING TREES TO PROVIDE CLEARANCE FOR BRUSH MANAGEMENT



NOTES:
A. THE BRUSH MANAGEMENT PROGRAM SHALL BE MAINTAINED AT ALL TIMES IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S LANDSCAPE STANDARDS.

B. IT SHALL BE THE RESPONSIBILITY OF THE OWNER/PERMITTEE TO SCHEDULE A PRE-CONSTRUCTION MEETING ON SITE WITH THE CONTRACTOR AND THE DEVELOPMENT SERVICES DEPARTMENT TO DISCUSS AND OUTLINE THE IMPLEMENTATION OF THE BRUSH MANAGEMENT PROGRAM.



BLDG: 1, 2, 3, & 5
GROSS BUILDING AREAS

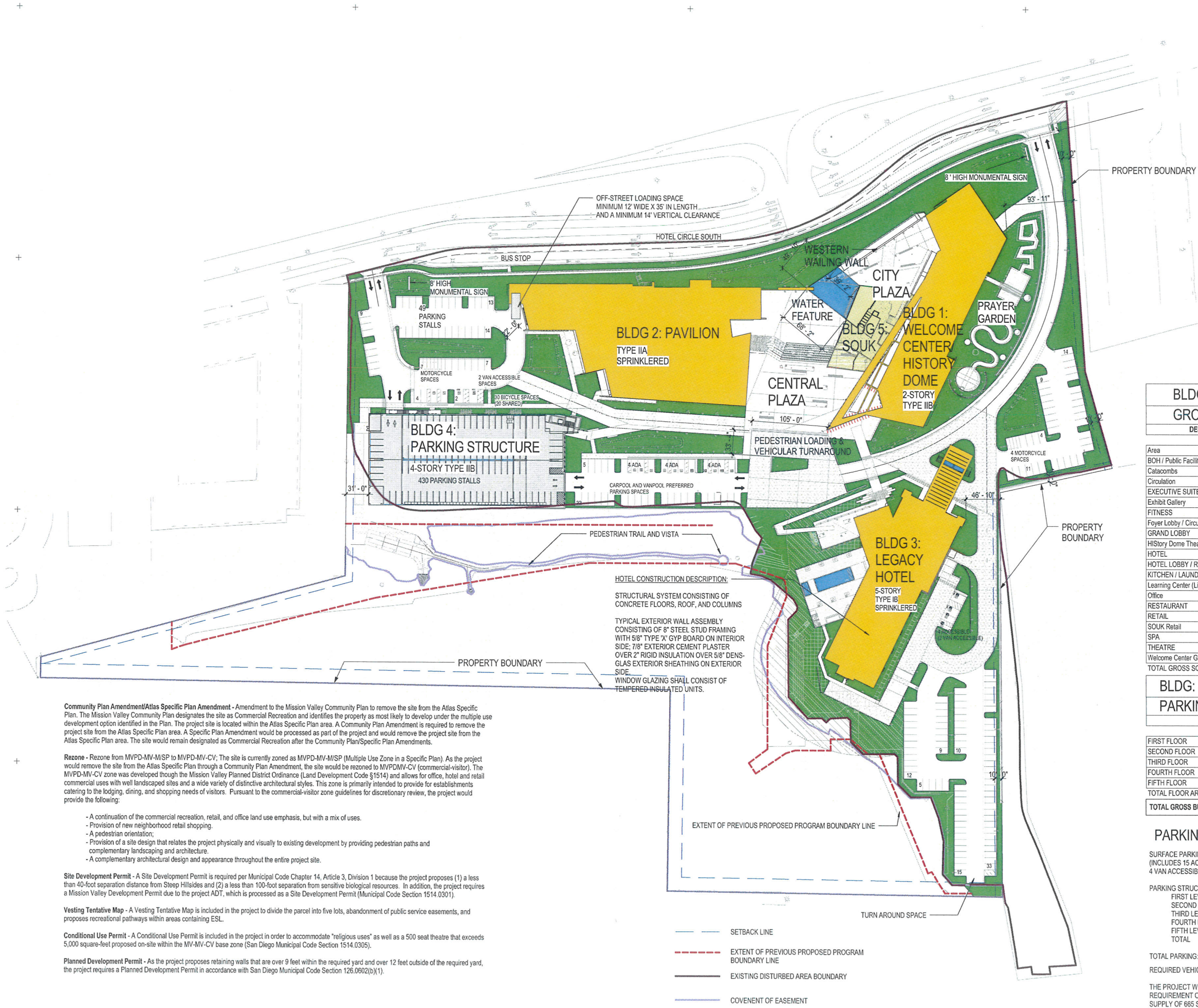
DESCRIPTION	FLOOR AREA - REFINED
Area	0 SF
BOH / Public Facilities	8430 SF
Catacombs	3390 SF
Circulation	1139 SF
EXECUTIVE SUITES	3151 SF
Exhibit Gallery	16164 SF
FITNESS	662 SF
Foyer Lobby / Circulation	7505 SF
GRAND LOBBY	2674 SF
HIStory Dome Theater	6206 SF
HOTEL	68906 SF
HOTEL LOBBY / REGISTRATION	4421 SF
KITCHEN / LAUNDRY / BOH	5275 SF
Learning Center (Library / Prayer Center)	13844 SF
Office	16801 SF
RESTAURANT	8751 SF
RETAIL	2147 SF
SOUK Retail	7783 SF
SPA	1855 SF
THEATRE	12162 SF
Welcome Center Grand Lobby	8461 SF
TOTAL GROSS SQUARE FEET	199724 SF

BLDG: 4
PARKING STRUCTURE AREAS

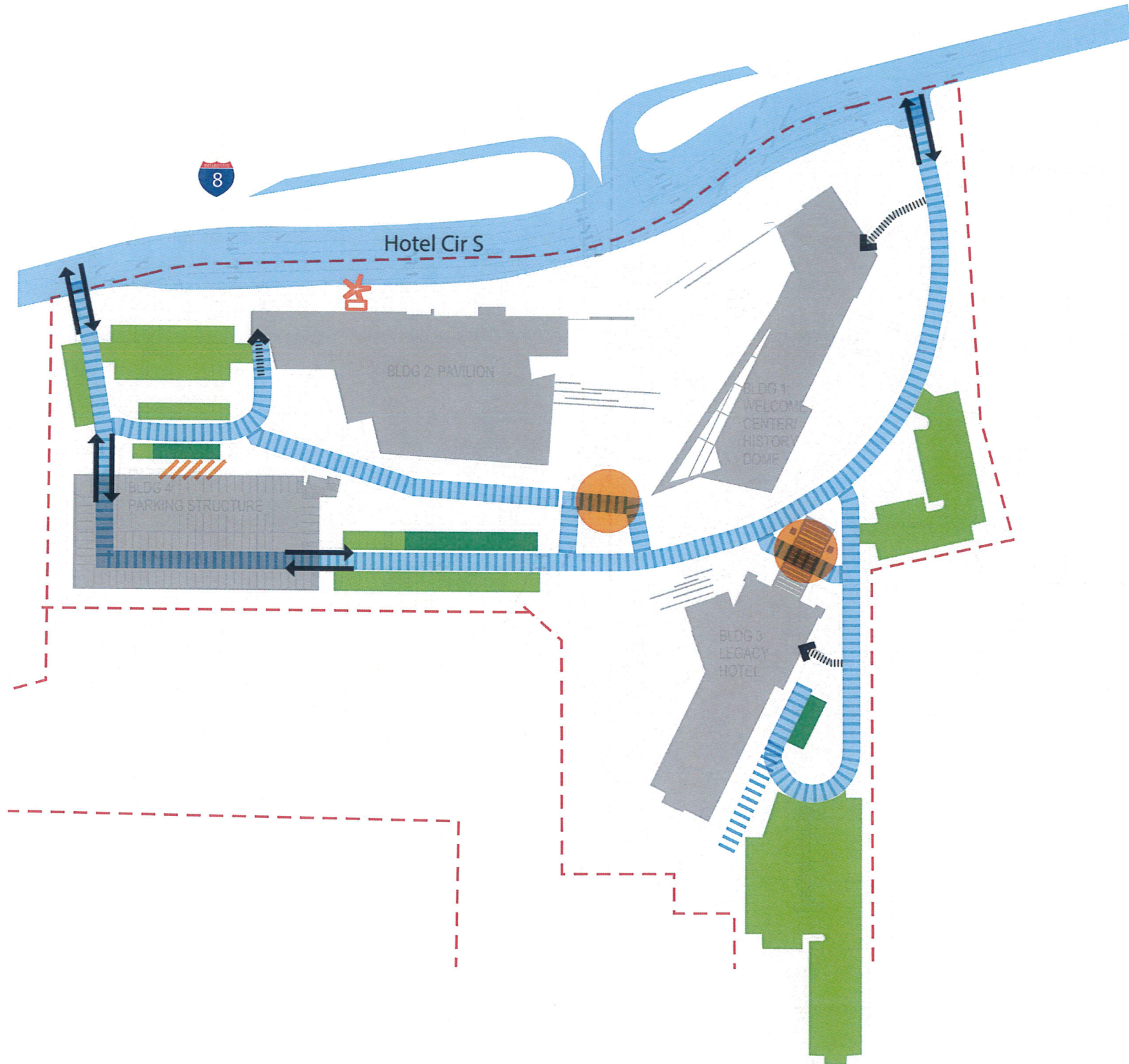
LEVEL	FLOOR AREA - REFINED
FIRST FLOOR	22656 SF
SECOND FLOOR	32943 SF
THIRD FLOOR	32499 SF
FOURTH FLOOR	32633 SF
FIFTH FLOOR	18224 SF
TOTAL FLOOR AREA	138957 S.F.
TOTAL GROSS BUILDING AREA:	339378 S.F.

PARKING COUNTS

SURFACE PARKING: (INCLUDES 15 ACCESSIBLE & 4 VAN ACCESSIBLE SPACES)	224
PARKING STRUCTURE:	
FIRST LEVEL	104
SECOND LEVEL	106
THIRD LEVEL	107
FOURTH LEVEL	101
FIFTH LEVEL	17
TOTAL	435
TOTAL PARKING:	659
REQUIRED VEHICLE PARKING:	
THE PROJECT WILL EXCEED THE MINIMUM PARKING REQUIREMENT OF 624 SPACES WITH A TARGET PARKING SUPPLY OF 665 SPACES	



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LEGEND:

- VEHICULAR ENTRY / EXIT
- VEHICULAR ROUTE
- DROP OFF
- BIKE PARKING
- SERVICES ENTRY - LOADING / UNLOADING
- SURFACE PARKING
- ADA PARKING
- MAIN STREET
- BUS STOP

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VEHICULAR
CIRCULATION
DIAGRAM

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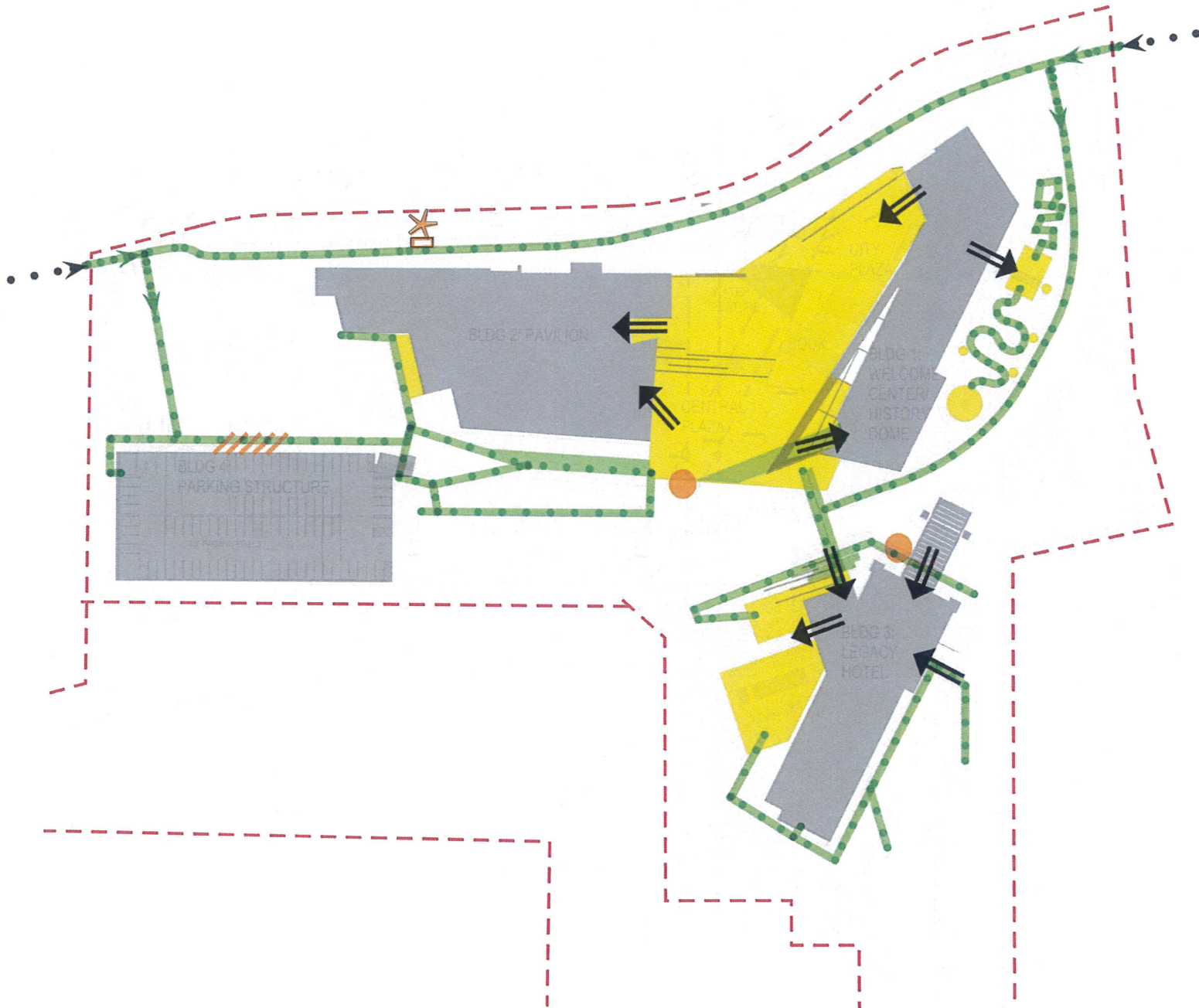
PEDESTRIAN
CIRCULATION
DIAGRAM

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LIC A0.2
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PEDESTRIAN CIRCULATION

LEGACY INTERNATIONAL CENTER



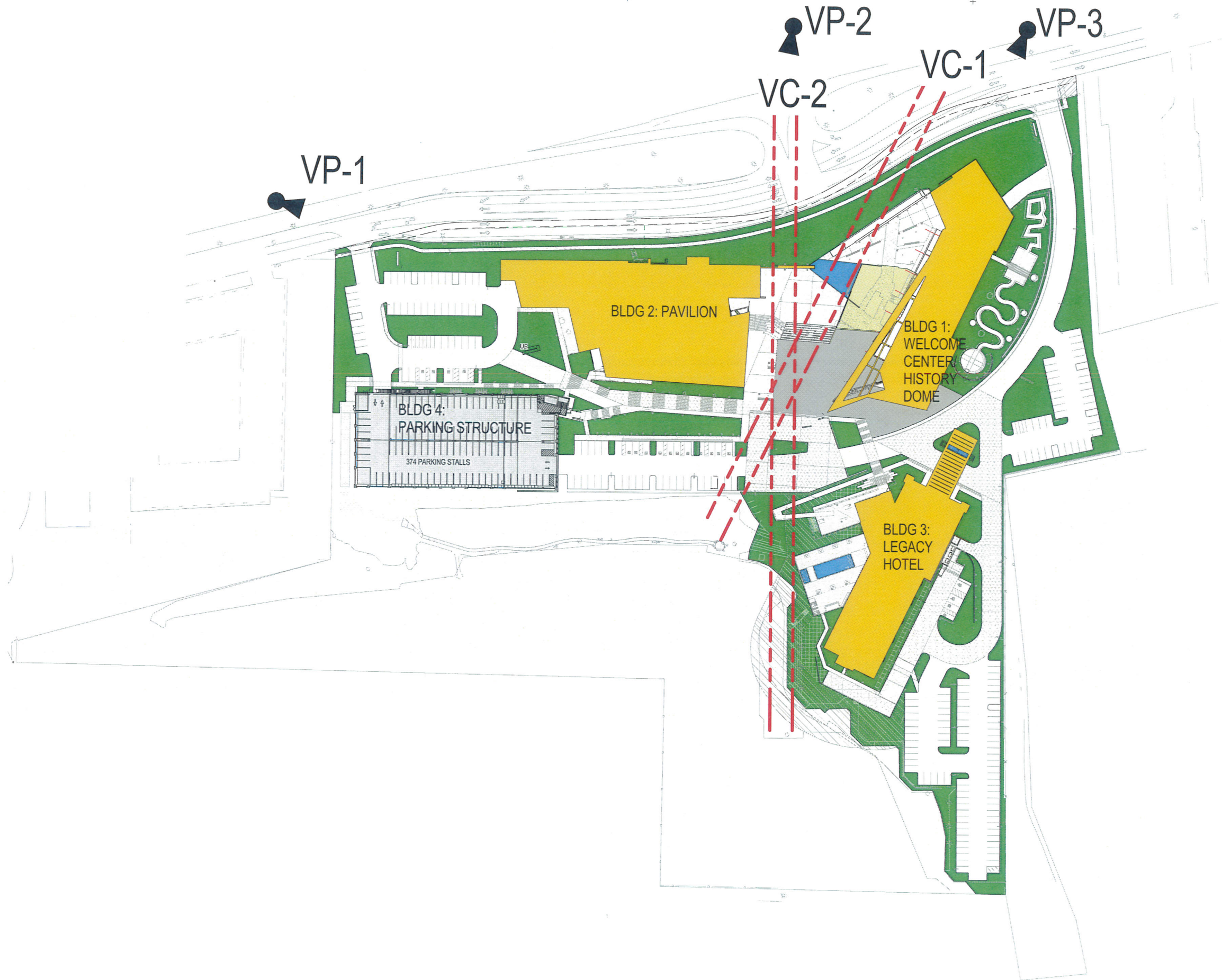
LEGEND:

- CITY BUS STOP
- CAMPUS SHUTTLE / RIDE SHARING DIRECTORY
- BIKE PARKING
- PEDESTRIAN ENTRY / EXIT
- BUILDING ENTRY / EXIT
- ACCESSIBLE PEDESTRIAN ROUTE
- PLAZA

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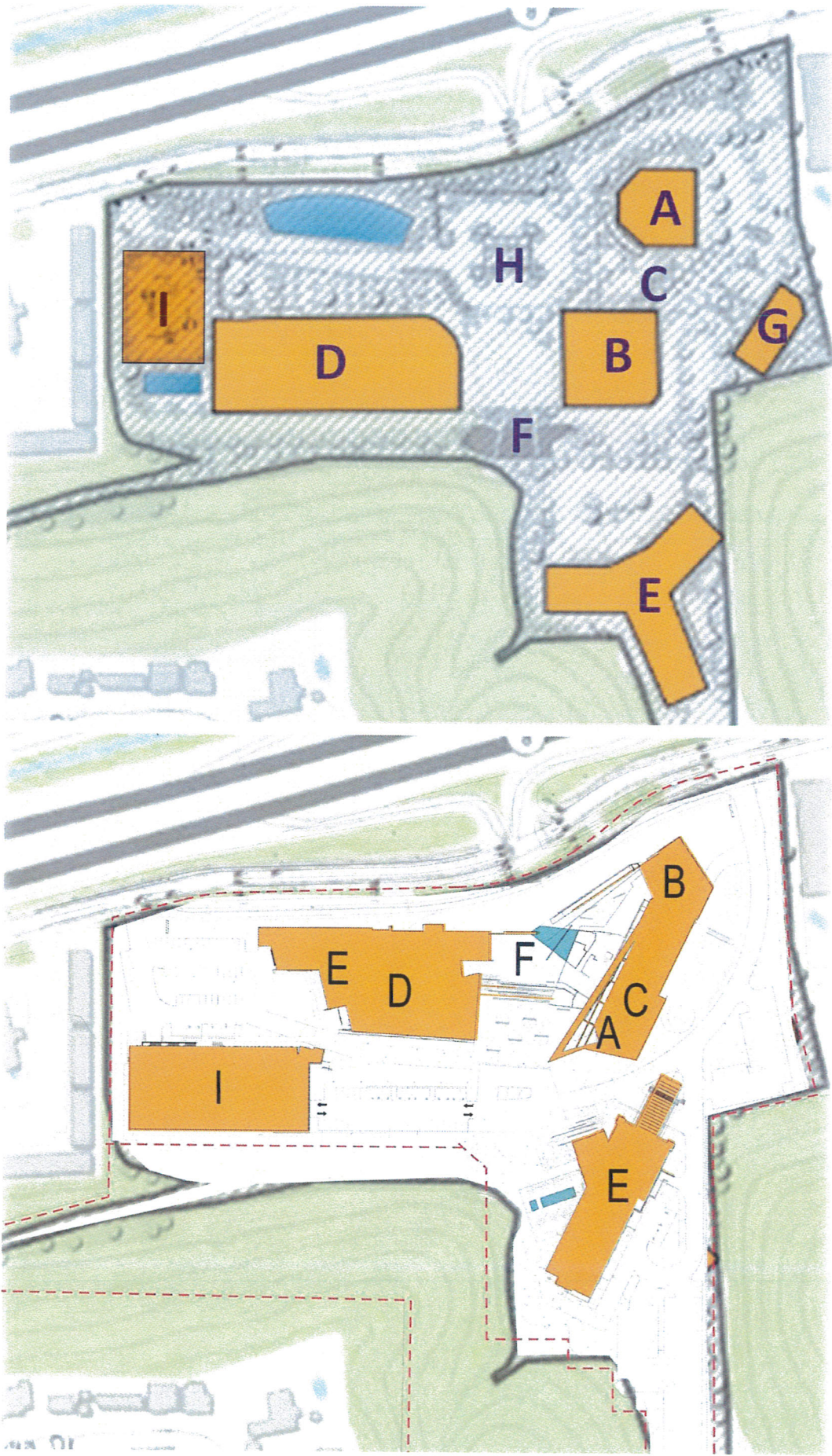
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LEGACY INTERNATIONAL CENTER

	FLOOR AREA - REFINED	PREVIOUS
LEGACY VISION CENTER:		
A WELCOME CENTER - GRAND LOBBY / RECEPTION	8,459	17,012
B HISTORY DOME THEATER / ARTIFACT MUSEUM / EXHIBIT GALLERY / BOH	6,206	29,940
EXHIBIT GALLERY	16,185	
RETAIL SHOP	1,096	
C CATACOMBS	3,390	5,992
CIRCULATION	1,137	
BOH / PUBLIC FACILITIES	4,598	
SUBTOTAL:	41,071	52,944
D PAVILION:		
THEATER -500 SEAT (TV STUDIO AND THEATER)	12,106	13,986
GRAND LOBBY (PRE-FUNCTION)	2,828	6,000
LEARNING CENTER (LIBRARY / PRAYER CENTER)	13,844	39,432
RESTAURANT	4,719	10,000
G EXECUTIVE OFFICES	16,801	
RETAIL	1,052	15,000
B.O.H. / CIRCULATION	12,097	
WELLNESS CENTER / SPA		20,686
SUBTOTAL:	63,447	105,104
G EXECUTIVE OFFICES		21,240
E HOTEL:		
HOTEL (127 GUEST SUITES / AMENITIES)	81,753	136,160
RESTAURANT	3,850	
WELLNESS CENTER - SPA, FITNESS, THERAPY	2,517	
SUBTOTAL:	88,120	136,160
TOTALS - Vision Center / Pavilion/Hotel:	192,638	315,448
OTHER PROJECT COMPONENTS:		
F AMPHITHEATER		6,889
HOTEL POOL		
WATER FEATURE		
WESTERN WAILING WALL		
CENTRAL PLAZA (SOUK RETAIL / CITY PLAZA)	7,783	8,200
BUILDING TOTALS	200,421	
I PARKING:		
PARKING STRUCTURE	330	106,458
SURFACE PARKING	219	208,053
PARKING TOTAL:	549	
PROJECT TOTAL AREA (BUILDINGS AND PARKING STRUCTURE)	306,879	532,178
COMPARISON DIFFERENCE		225,299

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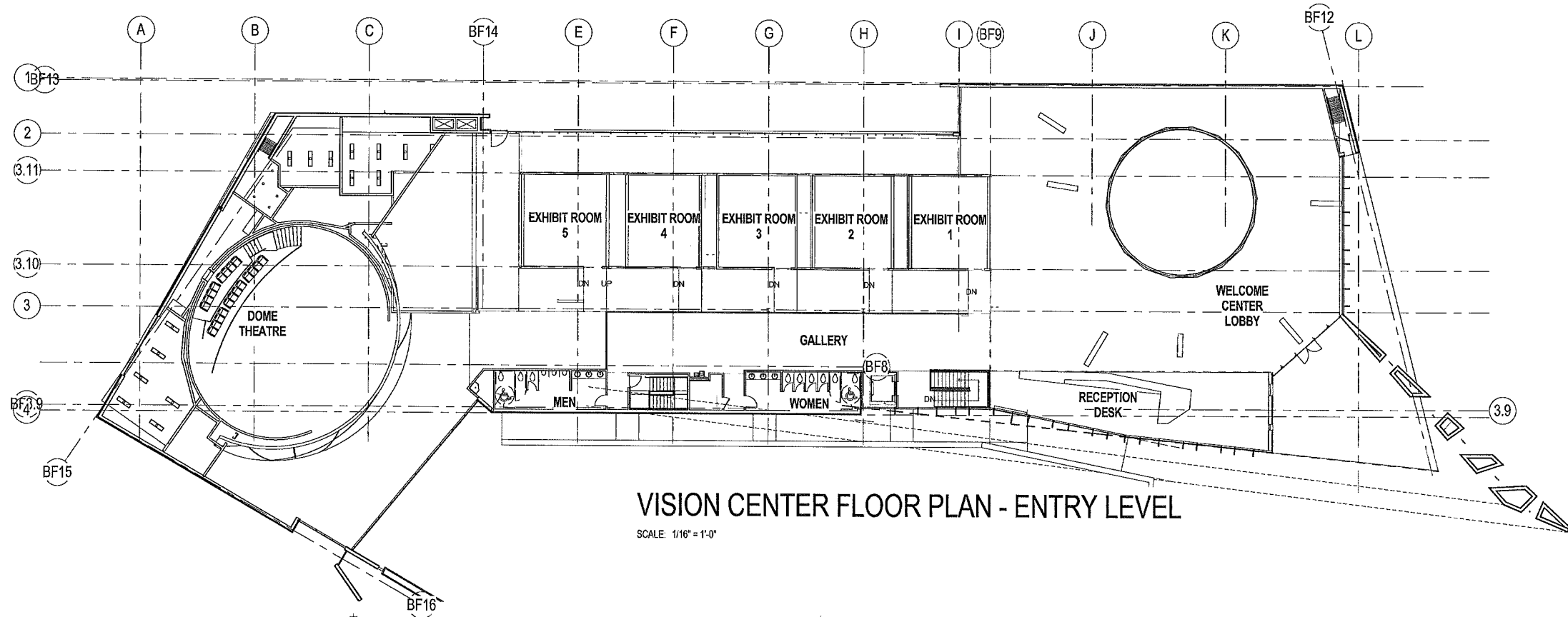
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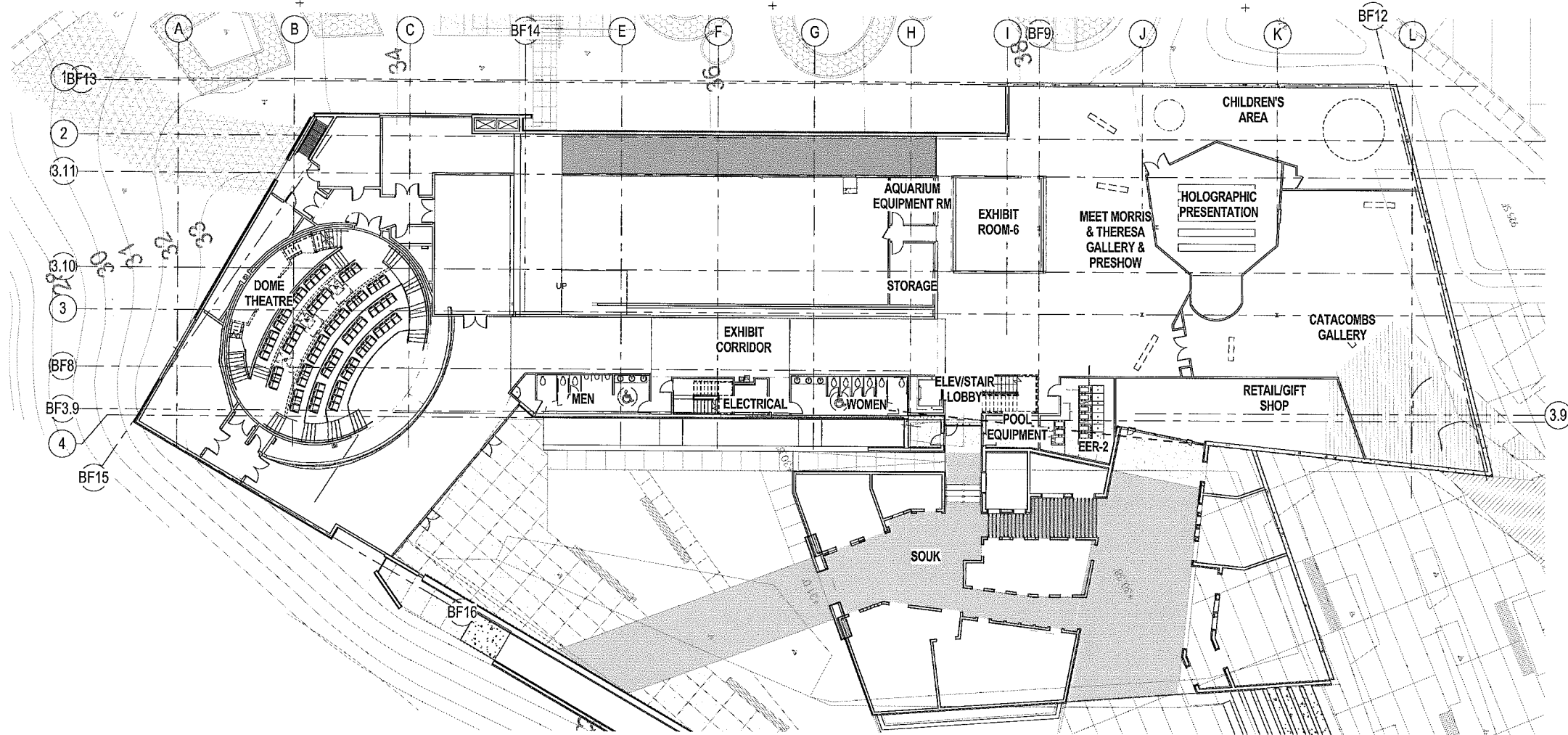
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VISION CENTER FLOOR PLAN - ENTRY LEVEL

SCALE: 1/16" = 1'-0"



VISION CENTER FLOOR PLAN - LOWER LEVEL

SCALE: 1/16" = 1'-0"

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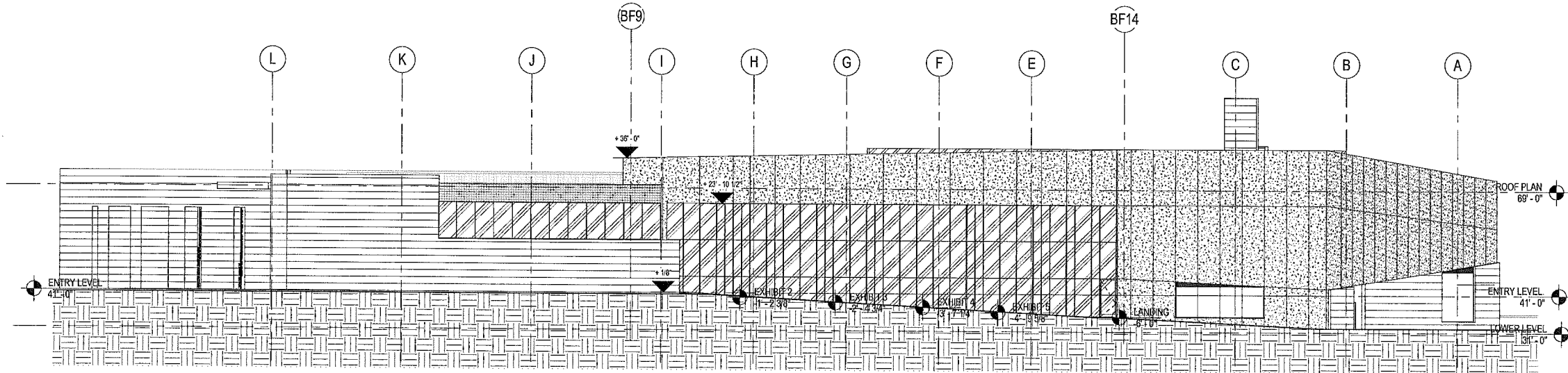
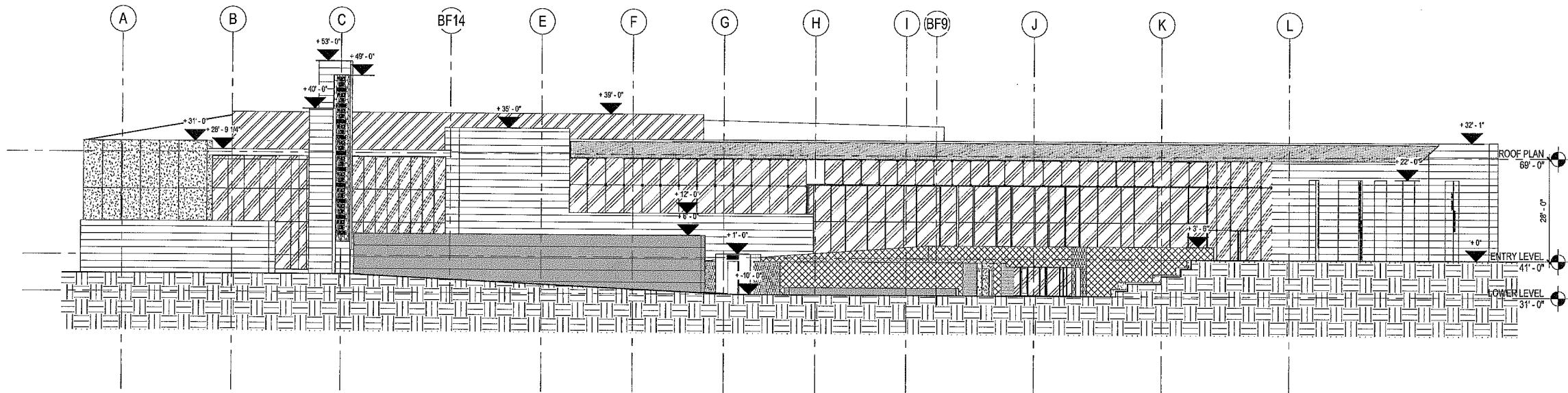
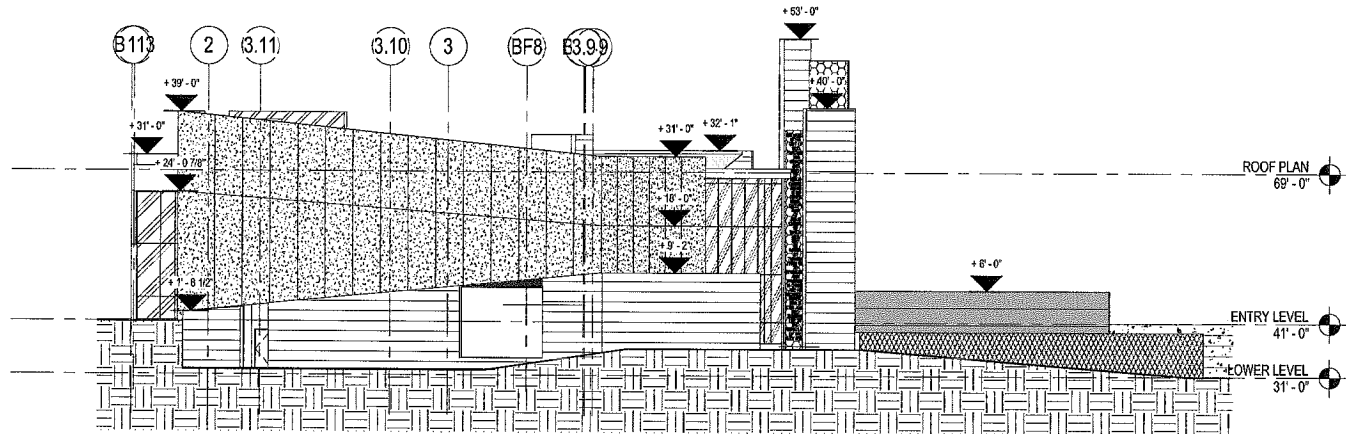
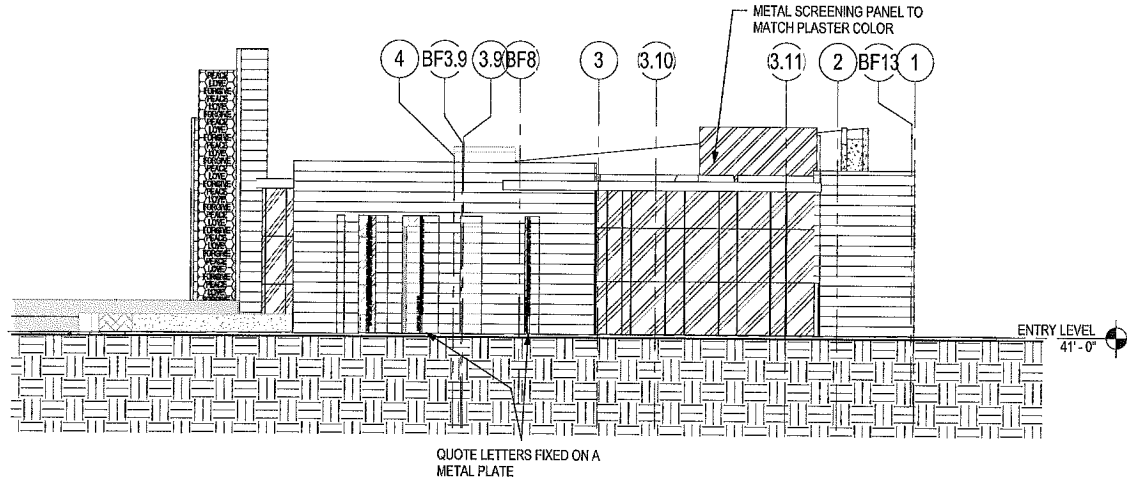
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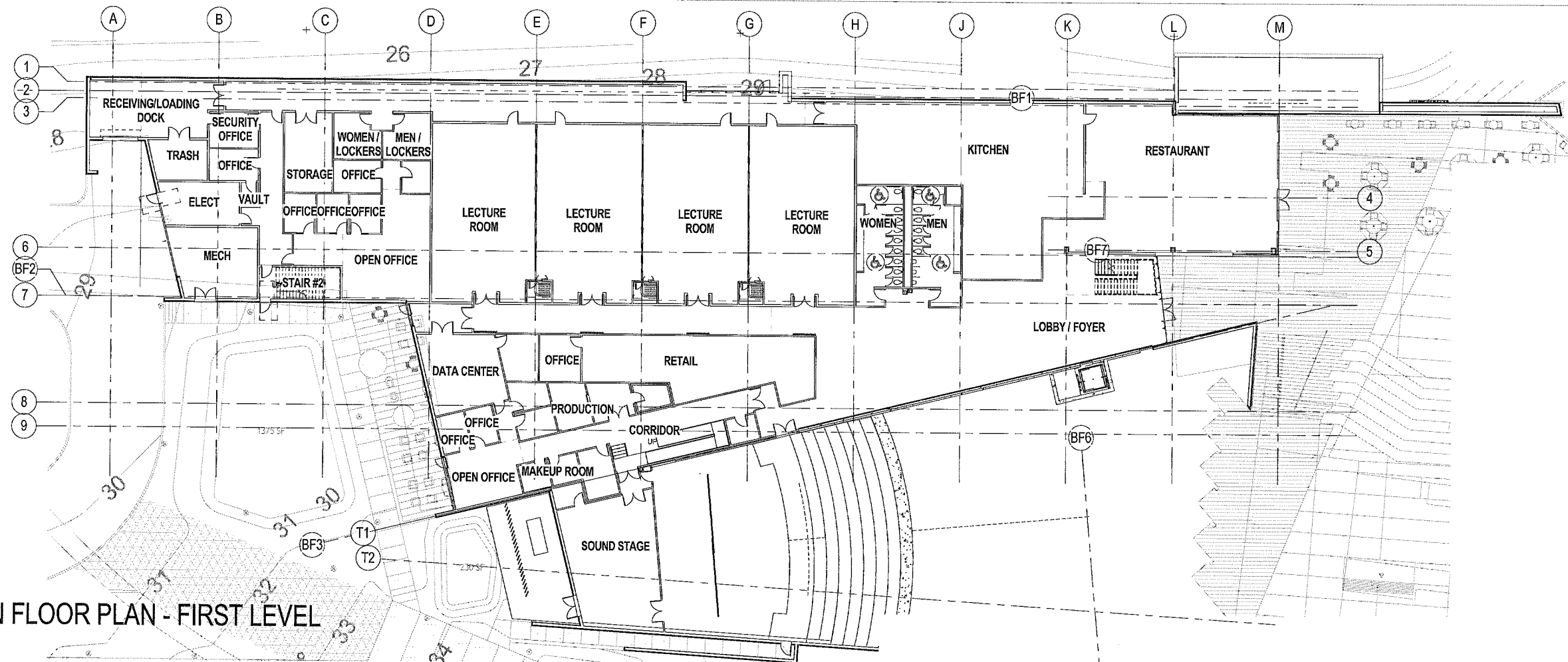
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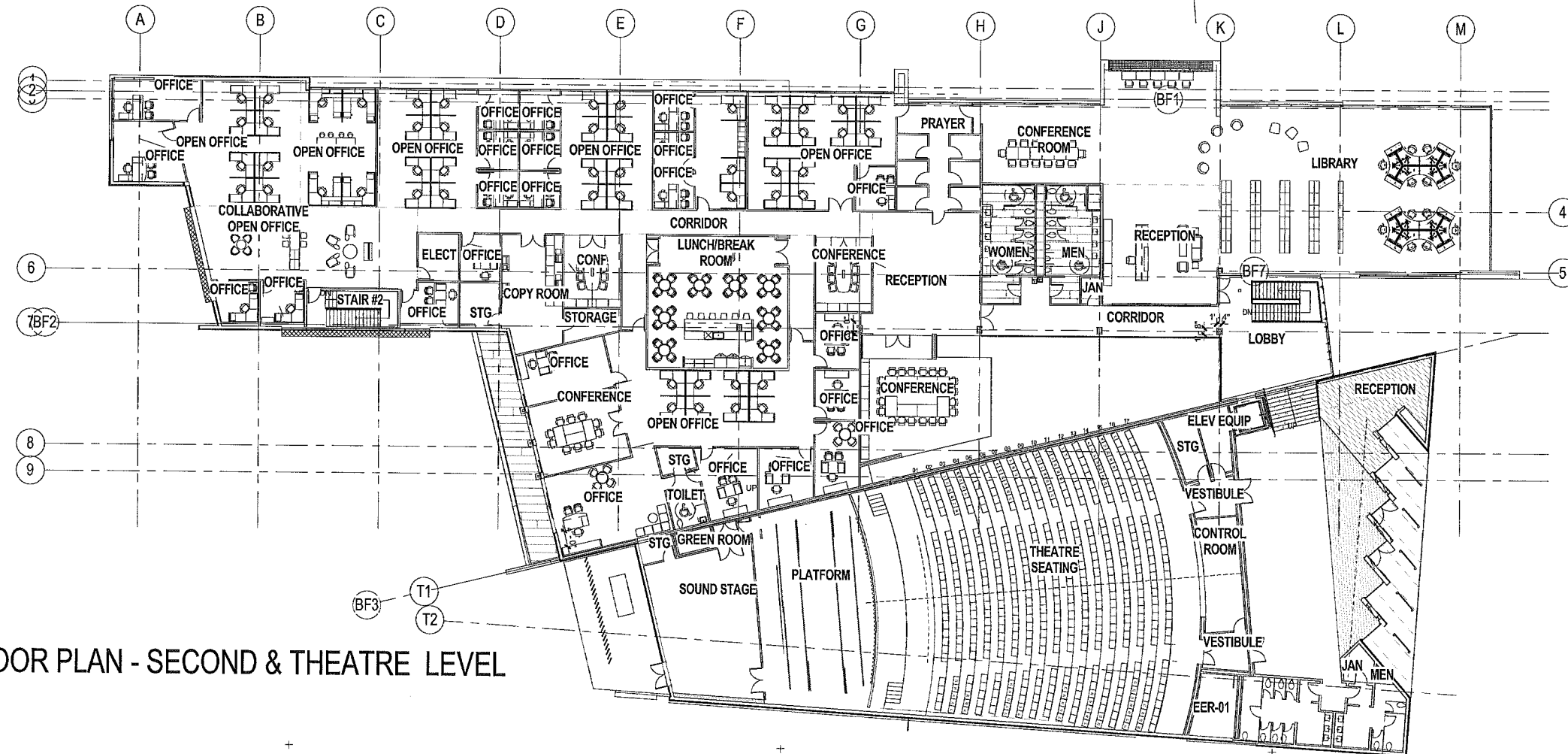
PAVILION FLOOR PLAN - FIRST LEVEL

SCALE: 1/16" = 1'-0"



PAVILION FLOOR PLAN - SECOND & THEATRE LEVEL

SCALE: 1/16" = 1'-0"



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phone 619.239.2353 | fax 619.239.6227

LEGACY INTERNATIONAL

875 HOTEL CIRCLE SOUTH SAN DIEGO CALIFORNIA

ISSUES: 09-30-2016 LIC SUBMITTAL

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT NO:

5634.D0

FILE NAME:

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DRAWN BY:

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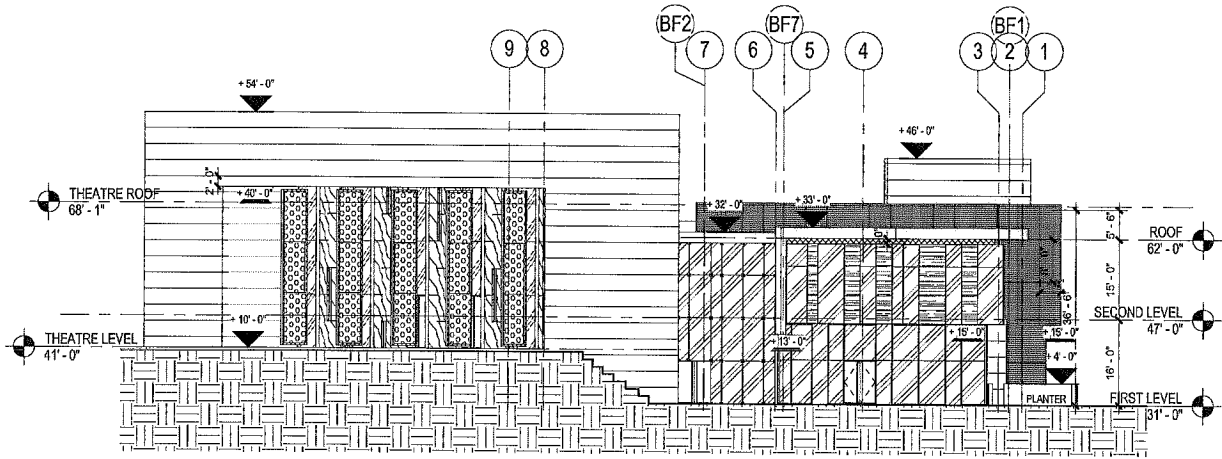
PLOT DATE:

TITLE:

PAVILION
ELEVATIONS

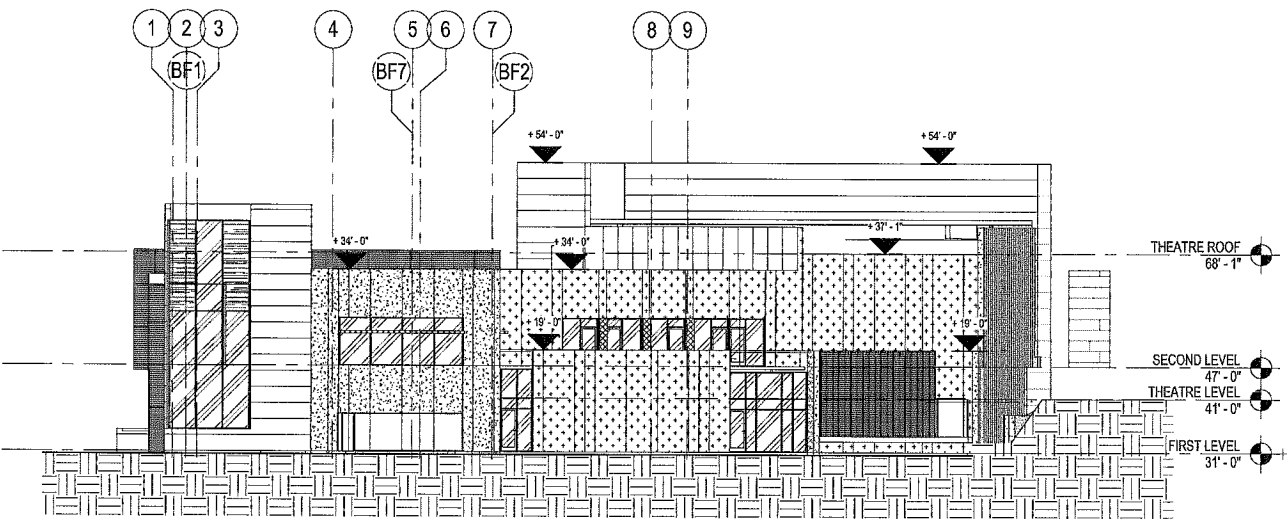
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LIC 2A.2



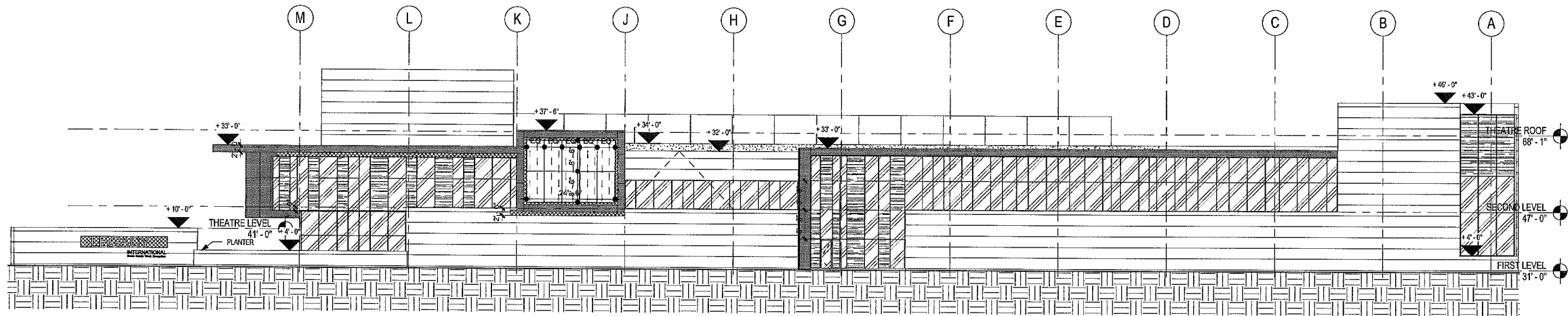
PAVILION EAST ELEVATION

SCALE: 1/16" = 1'-0"



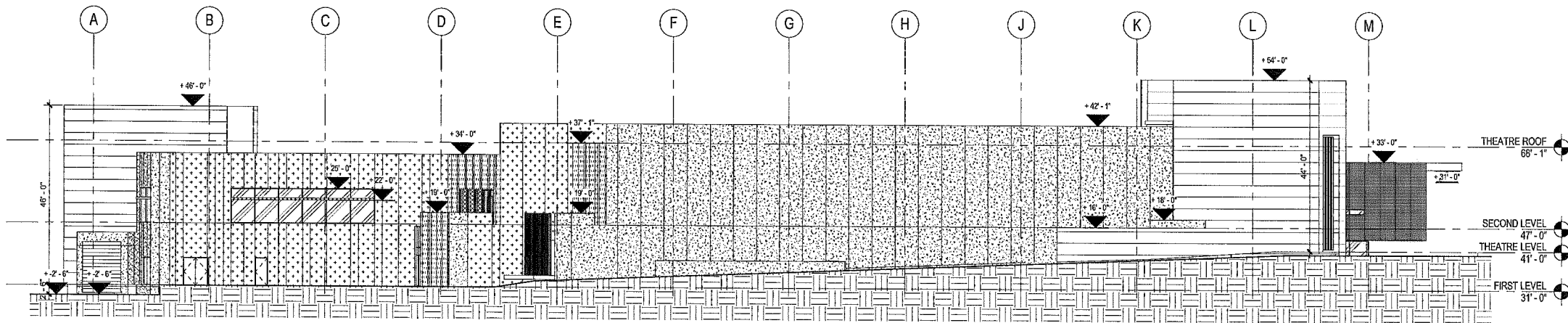
PAVILION WEST ELEVATION

SCALE: 1/16" = 1'-0"



PAVILION NORTH ELEVATION

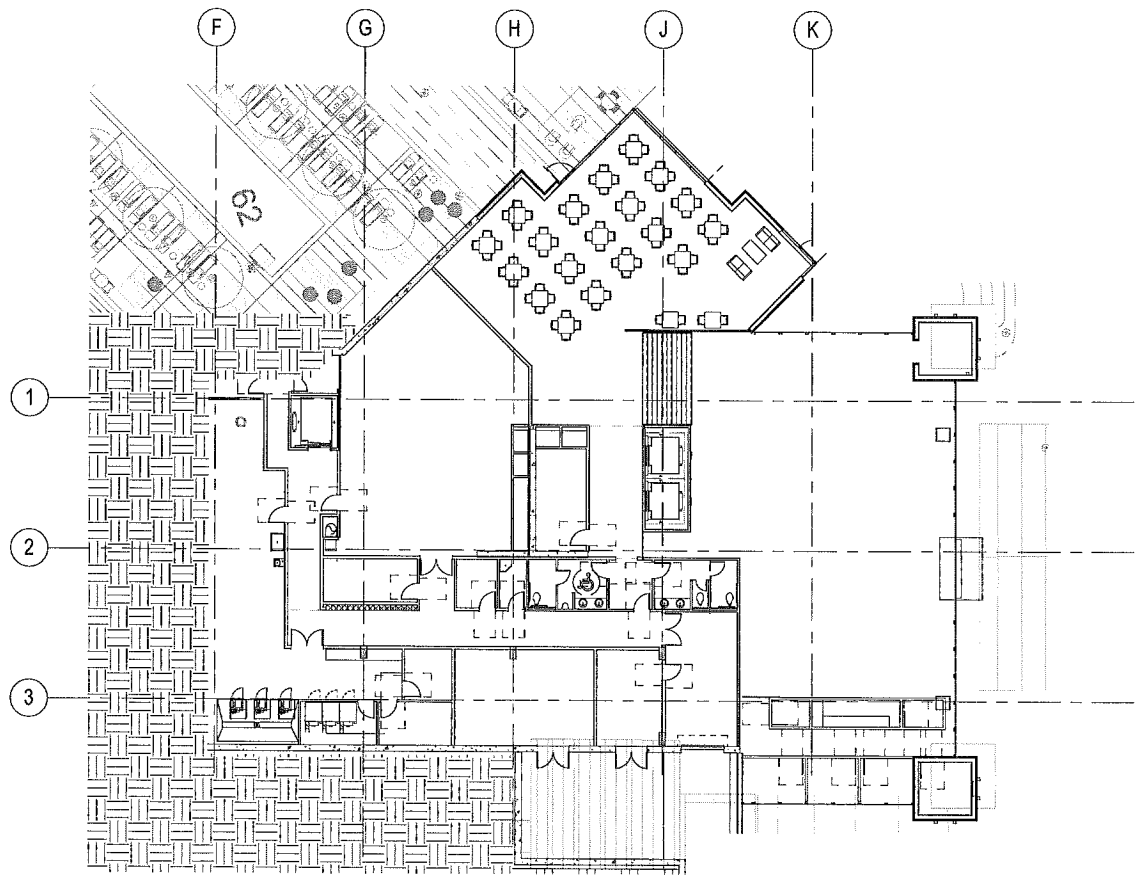
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PAVILION SOUTH ELEVATION

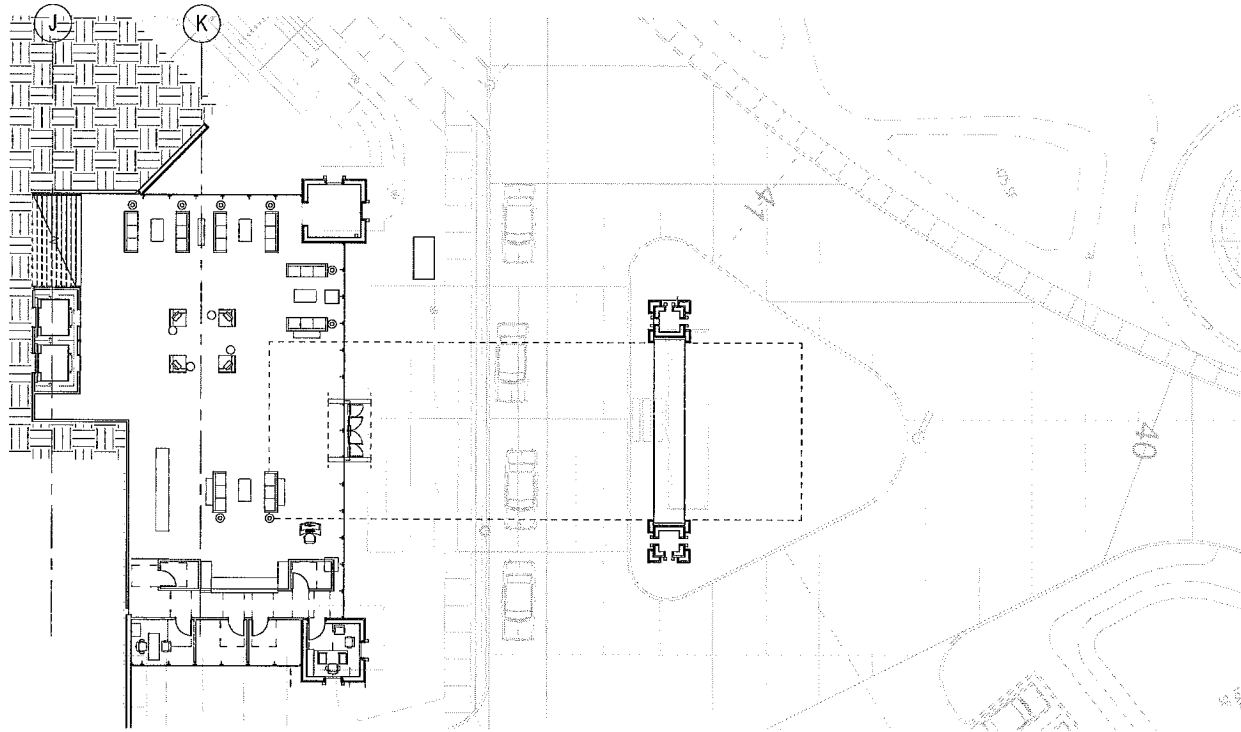
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HOTEL LOWER LEVEL - RESTAURANT, SERVICES

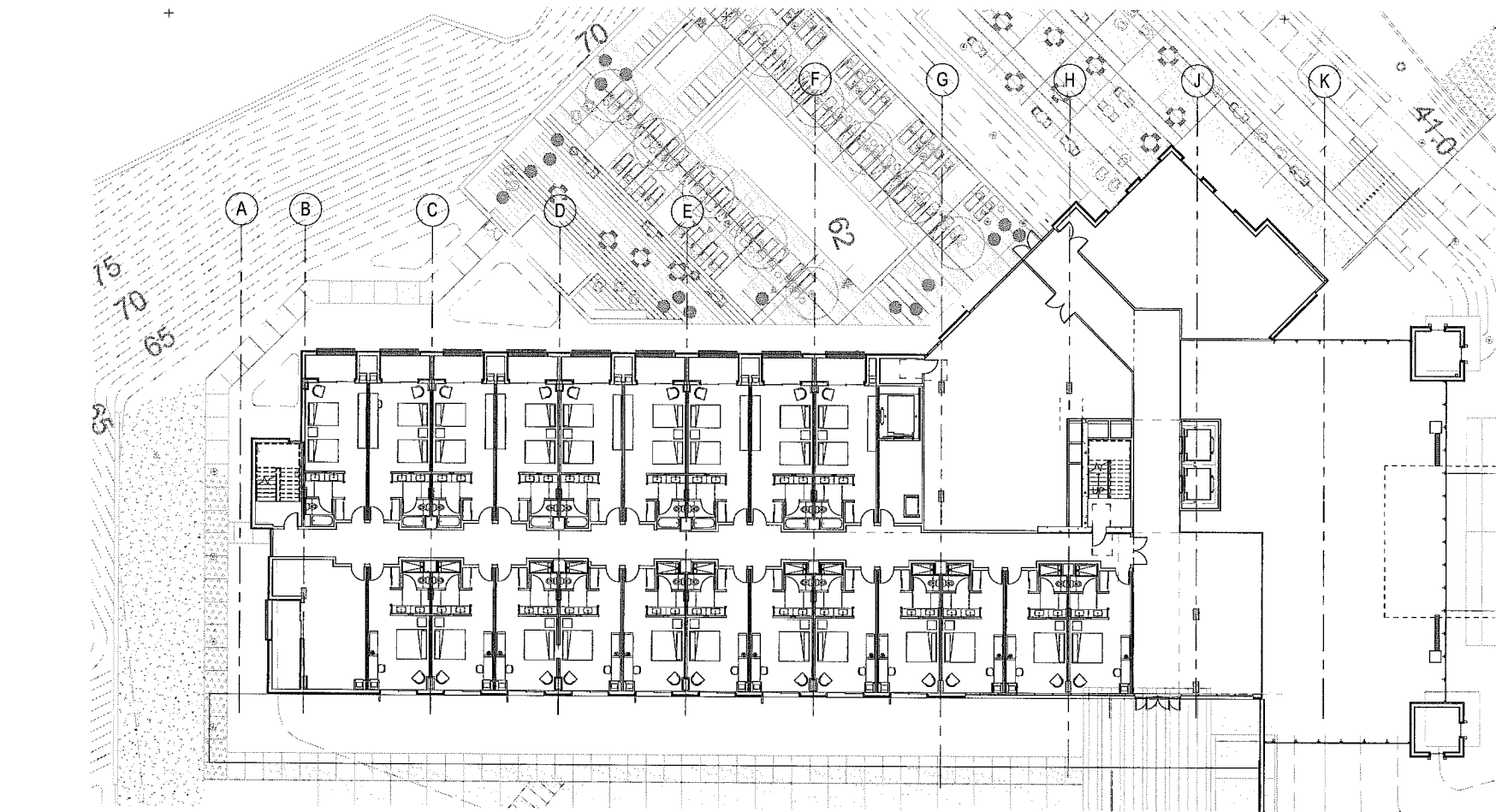
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HOTEL ENTRY LEVEL / PORTE COCHERE

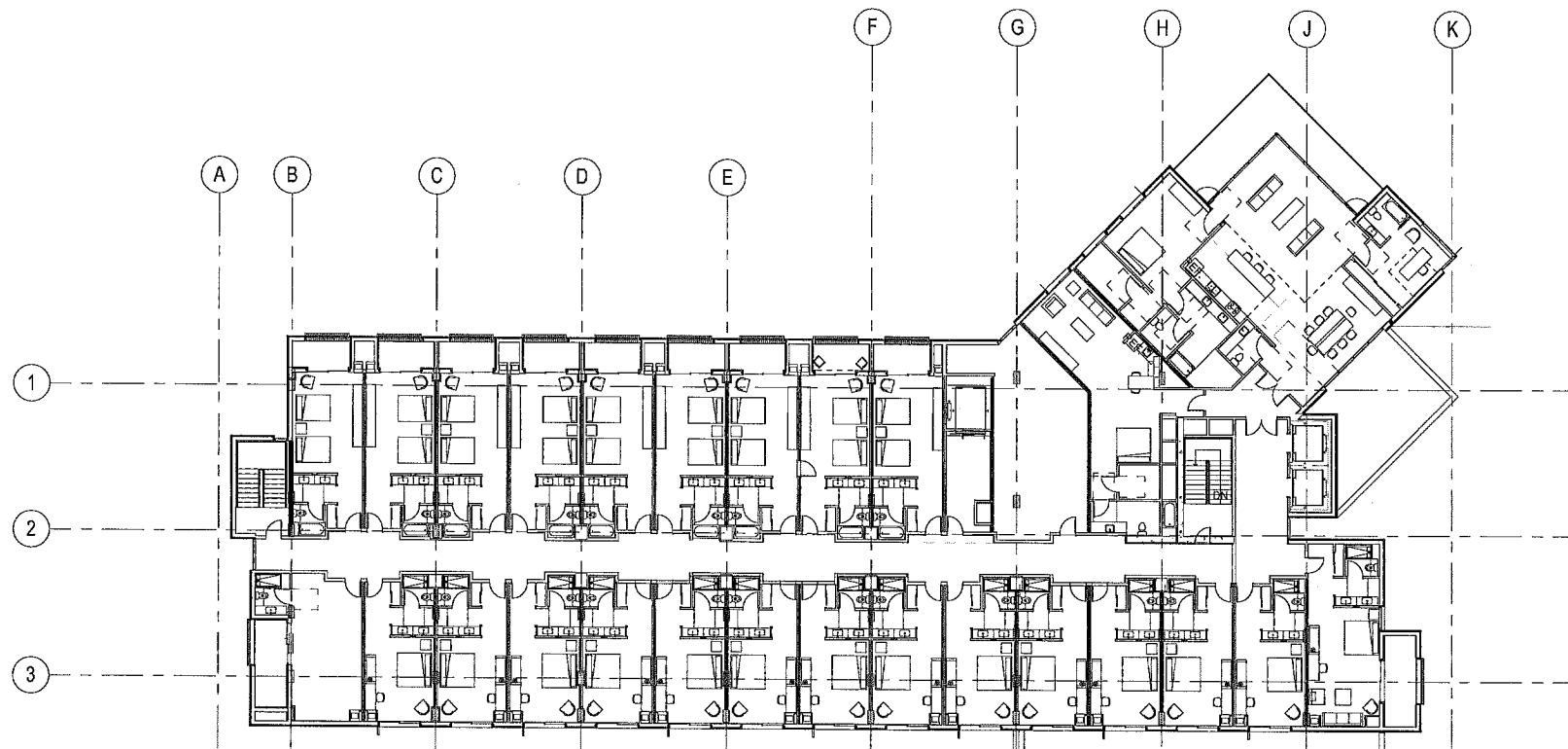
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HOTEL FIRST LEVEL FLOOR PLAN - SECONDARY ENTRANCE, GUEST ROOMS, FITNESS POOL & SPA

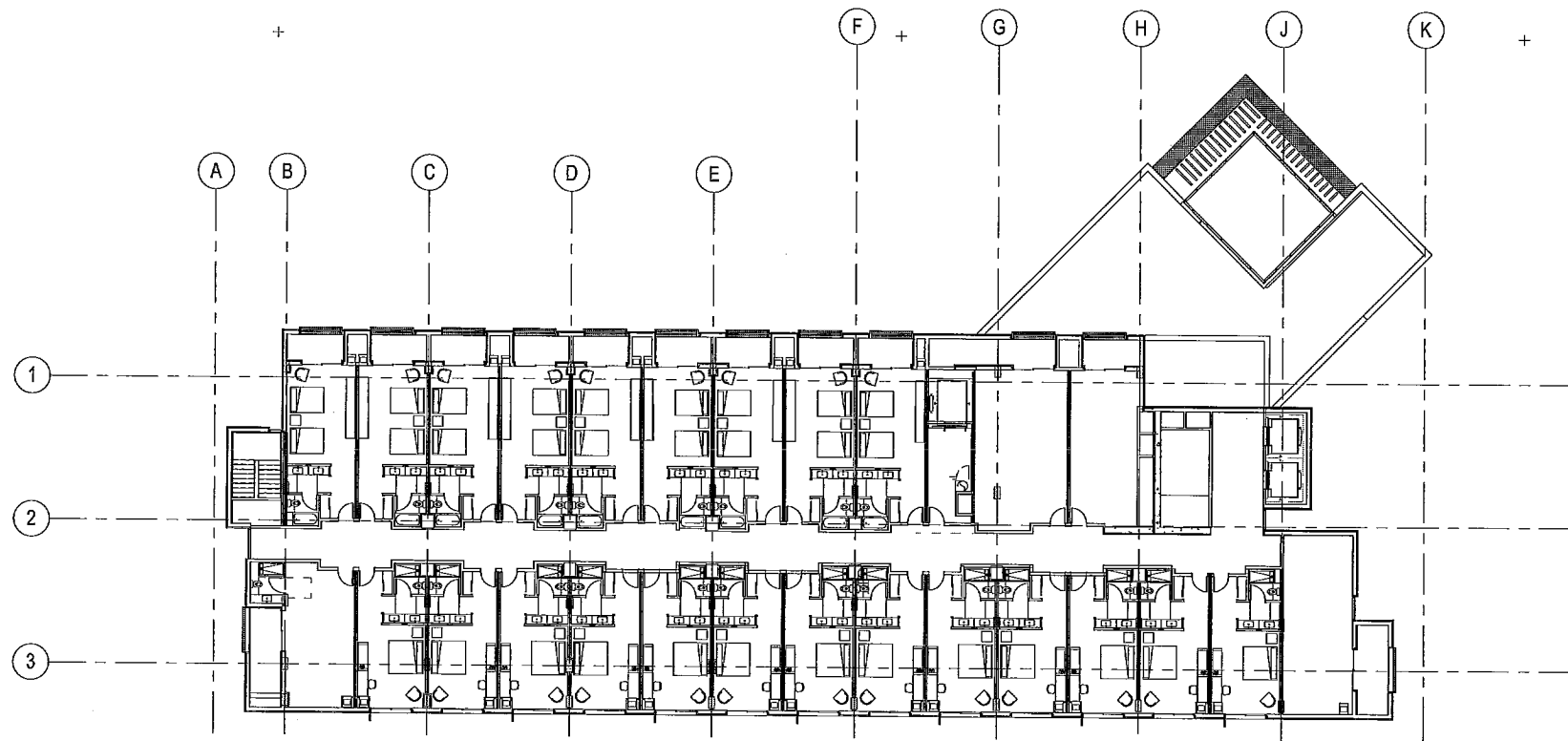
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HOTEL SECOND LEVEL FLOOR PLAN - EXECUTIVE SUITES & GUEST ROOMS

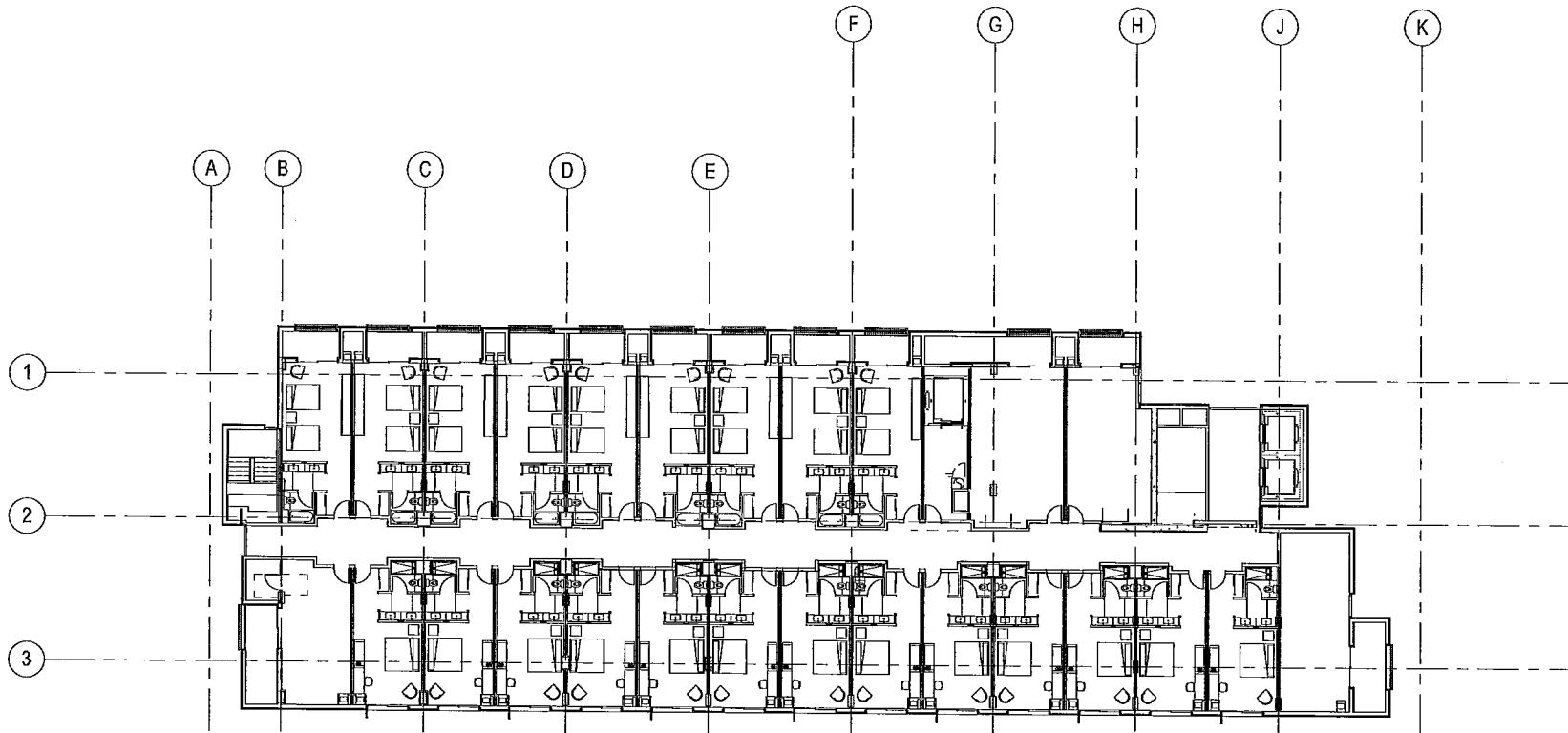
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HOTEL THIRD LEVEL FLOOR PLAN - GUEST ROOMS

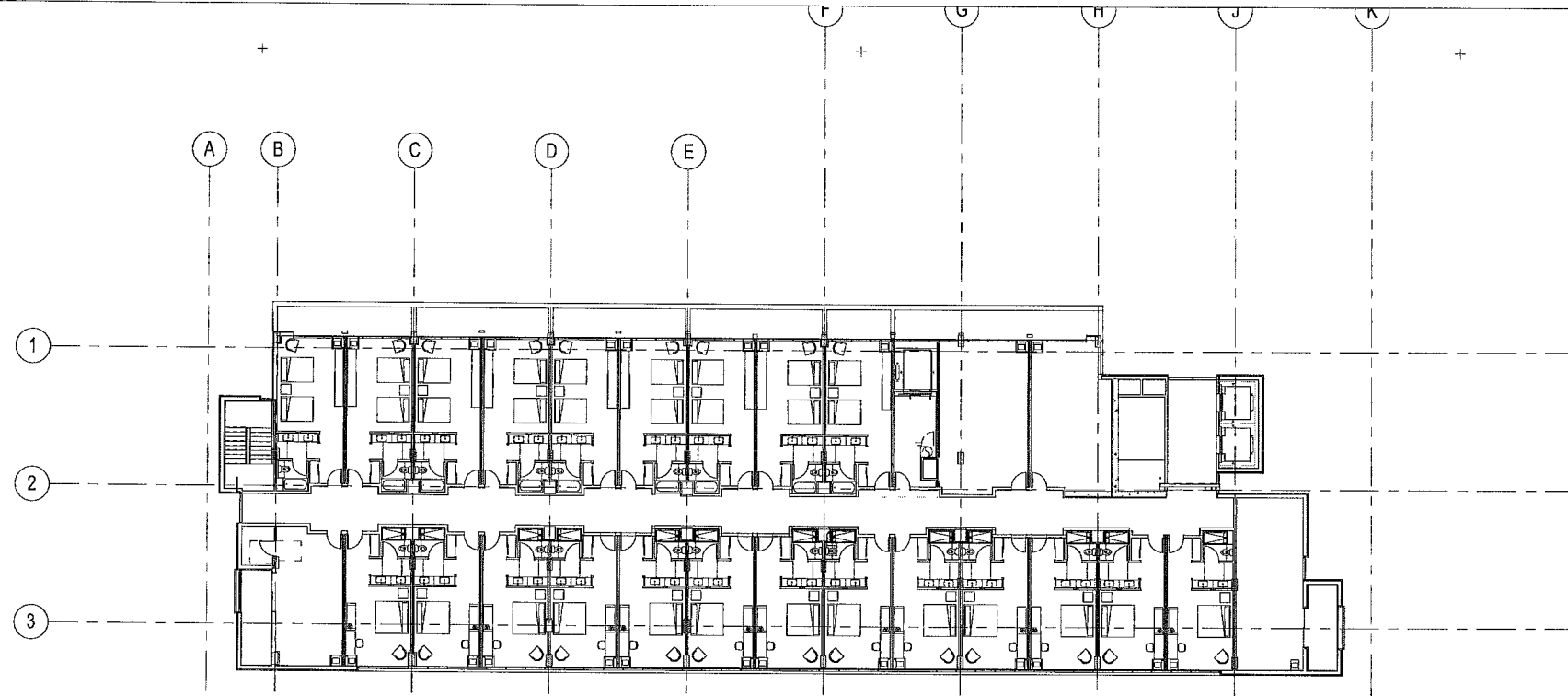
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HOTEL FOURTH LEVEL FLOOR PLAN - GUEST ROOMS

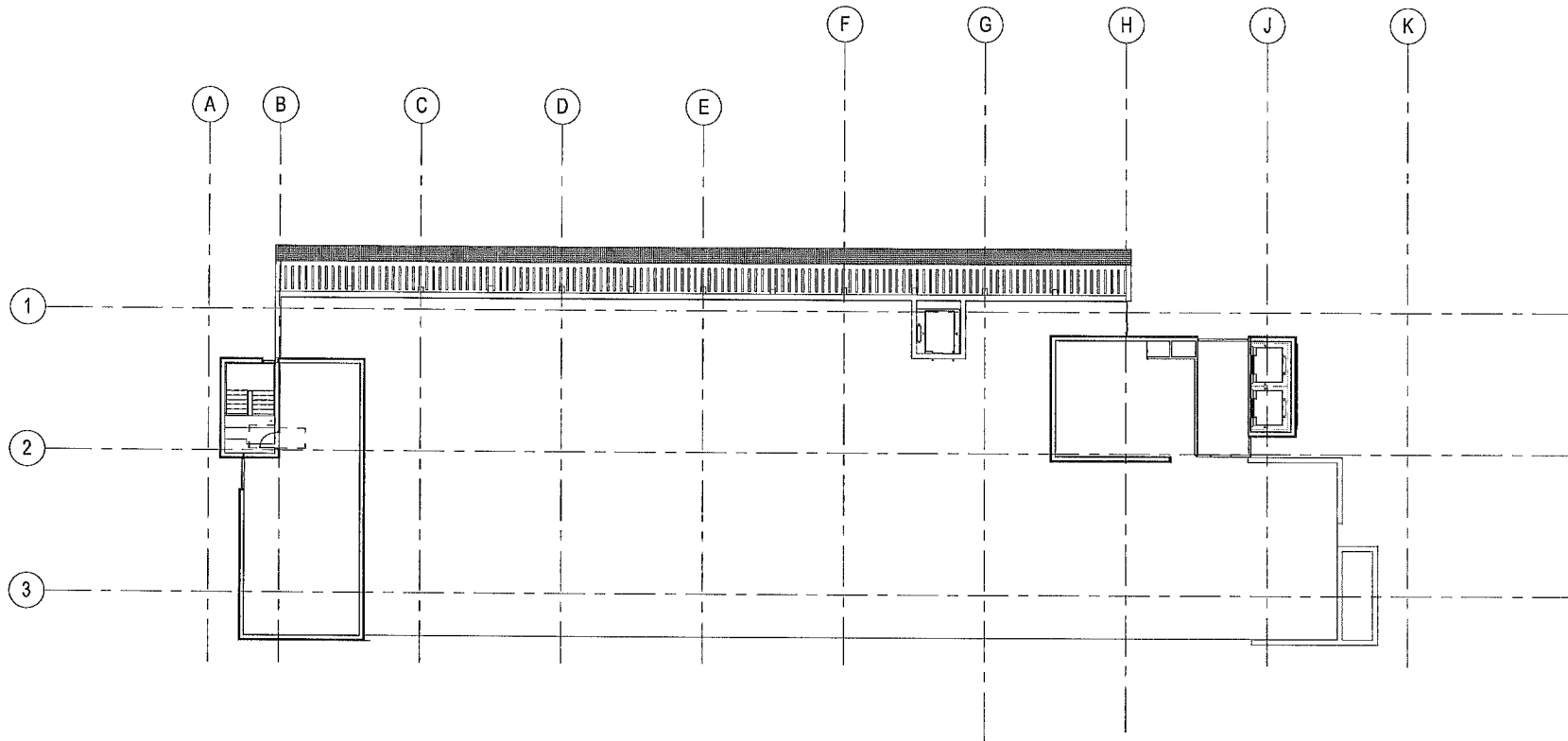
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HOTEL FIFTH LEVEL FLOOR PLAN - GUEST ROOMS

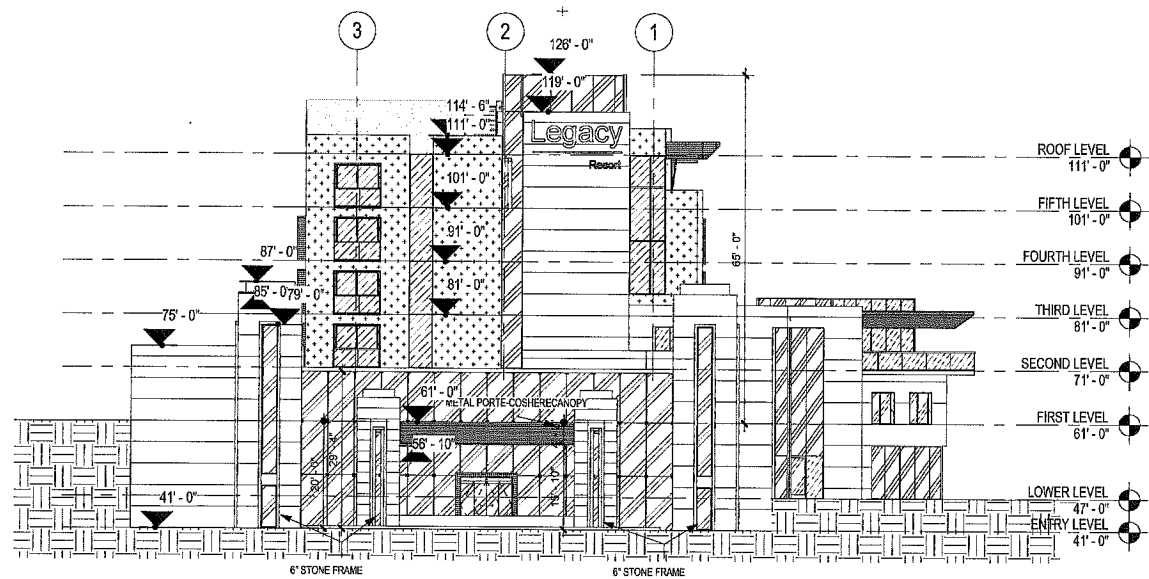
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HOTEL ROOF LEVEL PLAN - MECHANICAL ROOMS

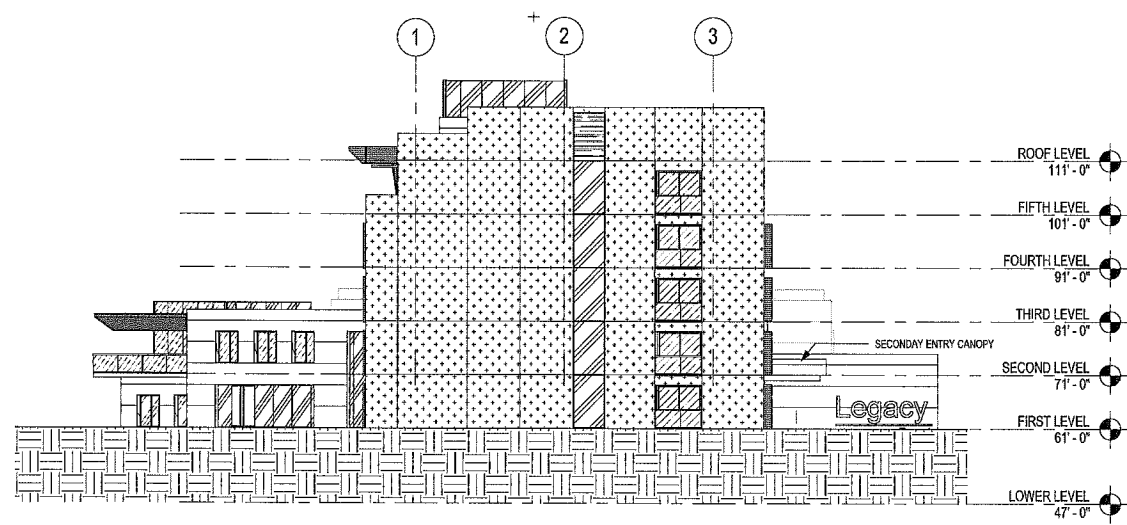
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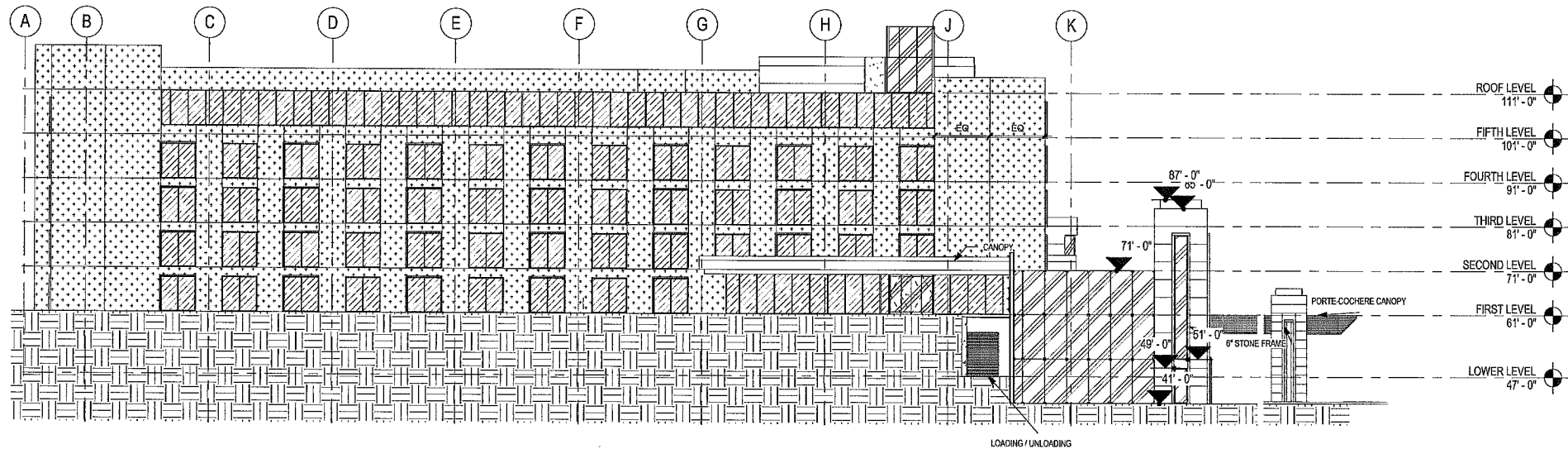
HOTEL EAST ELEVATION

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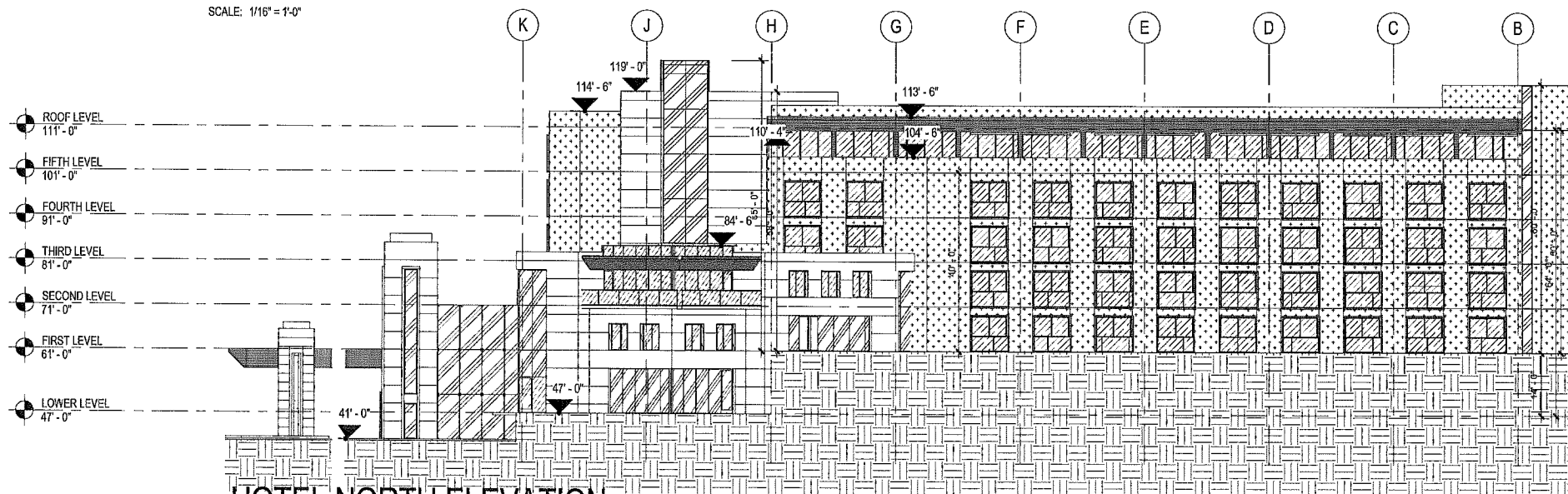
HOTEL WEST ELEVATION

SCALE: 1/16" = 1'-0"



HOTEL SOUTH ELEVATION

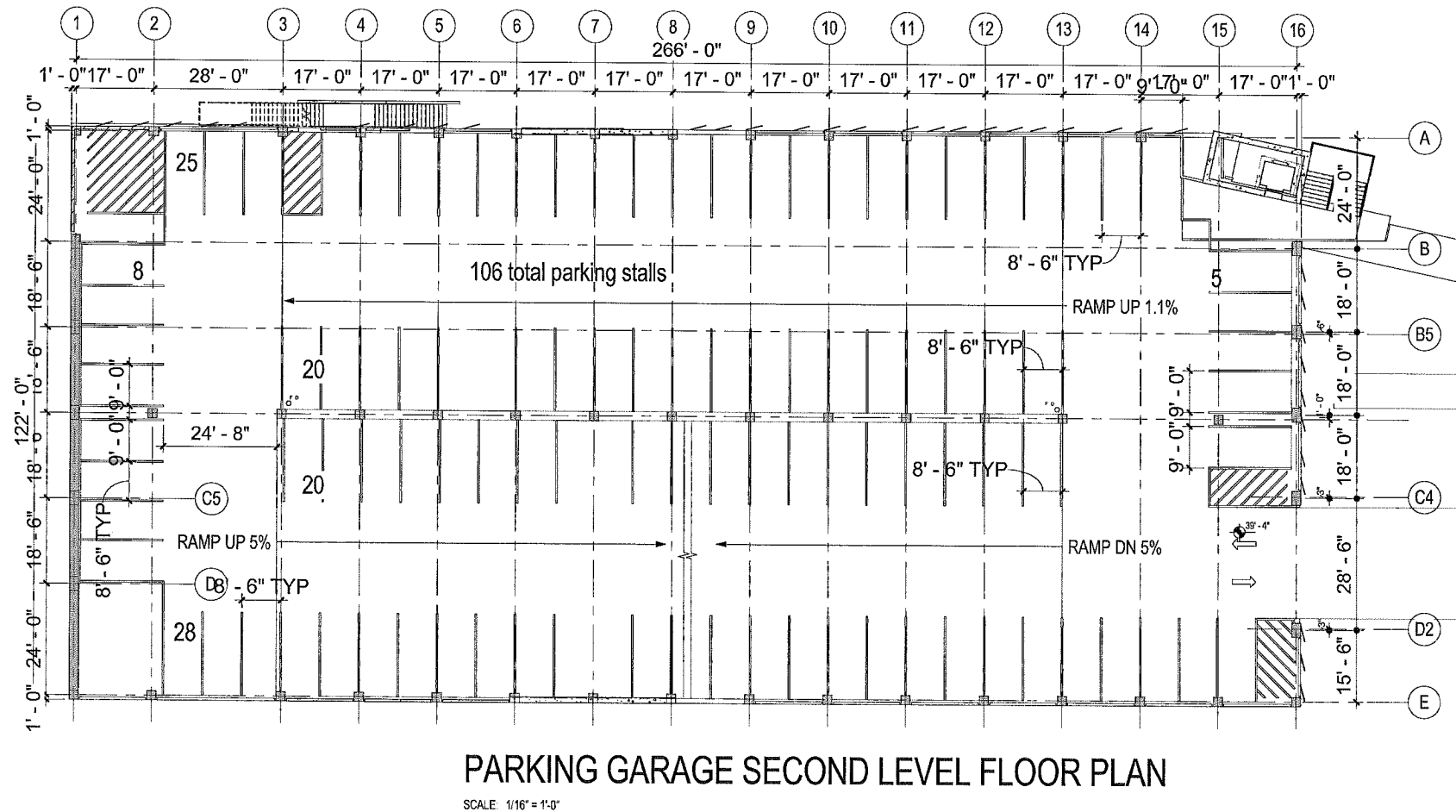
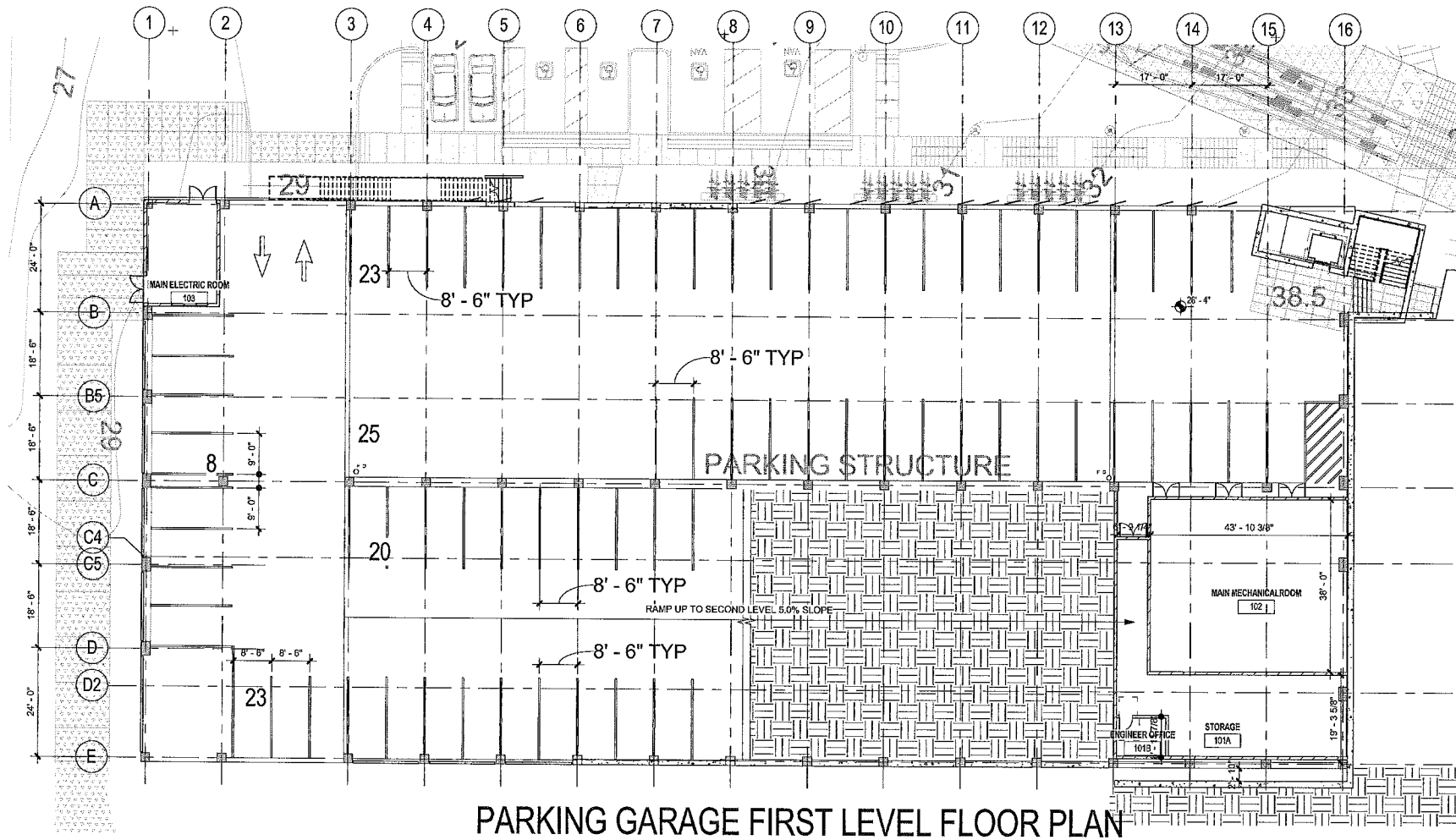
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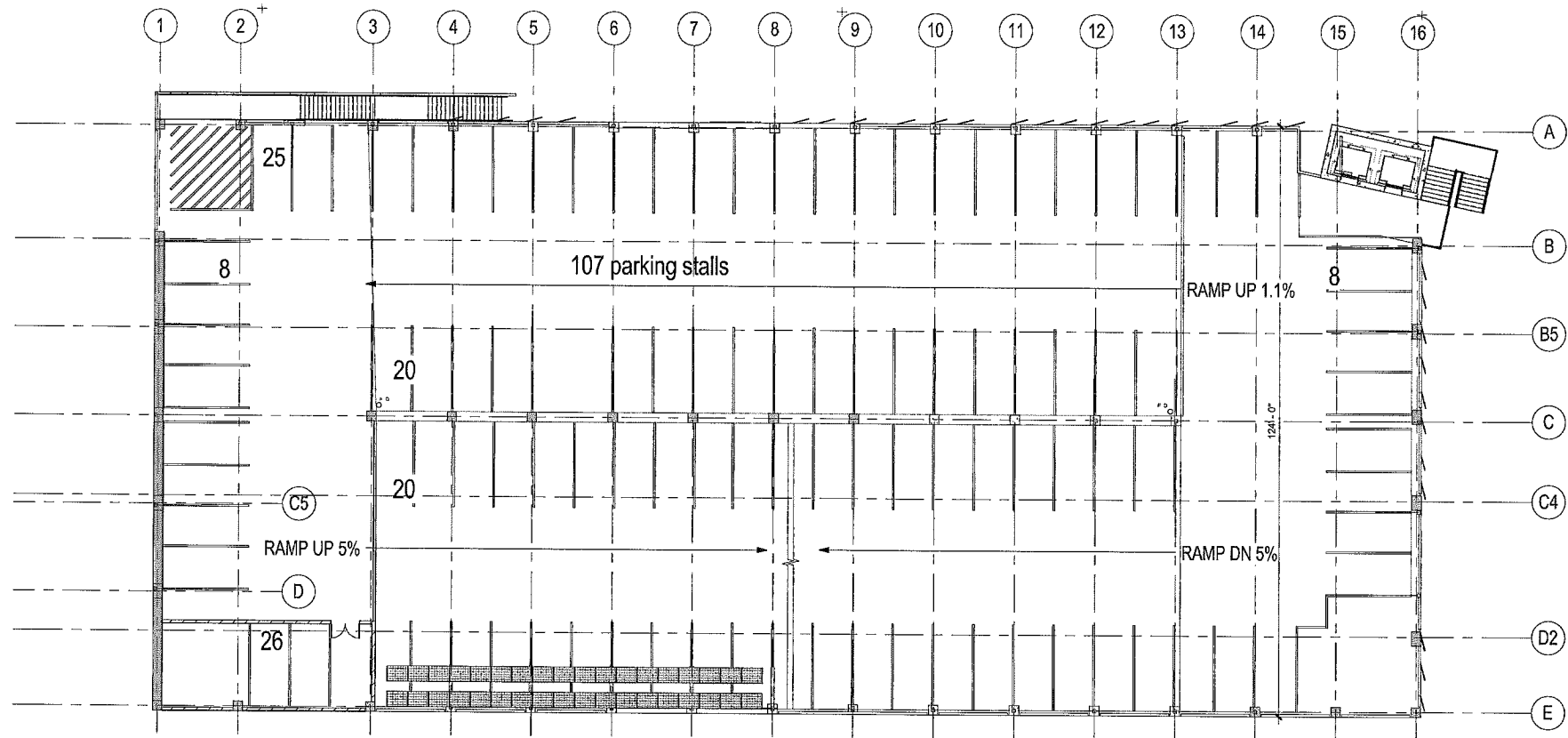


HOTEL NORTH ELEVATION

SCALE: 1/16" = 1'-0"

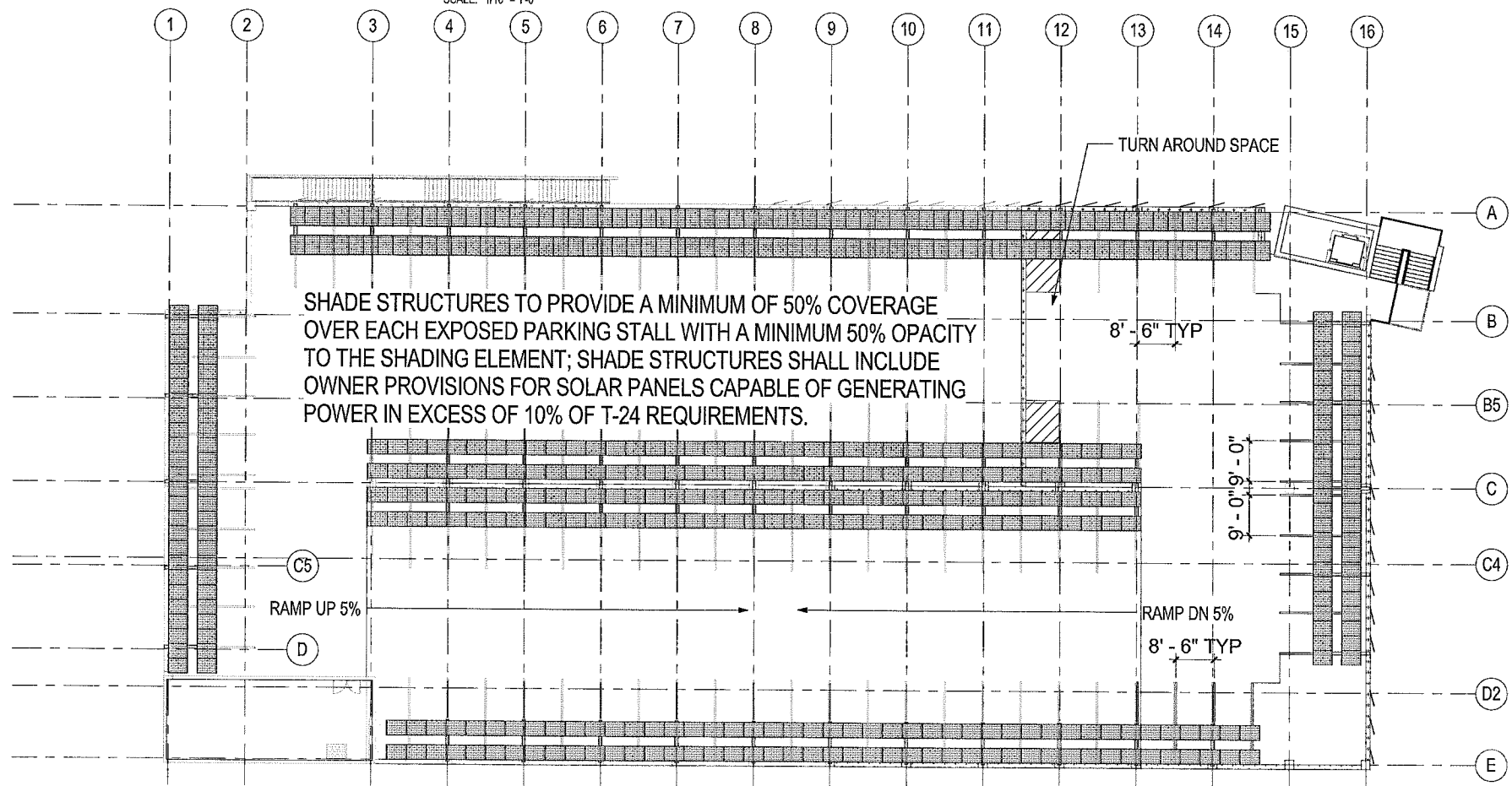
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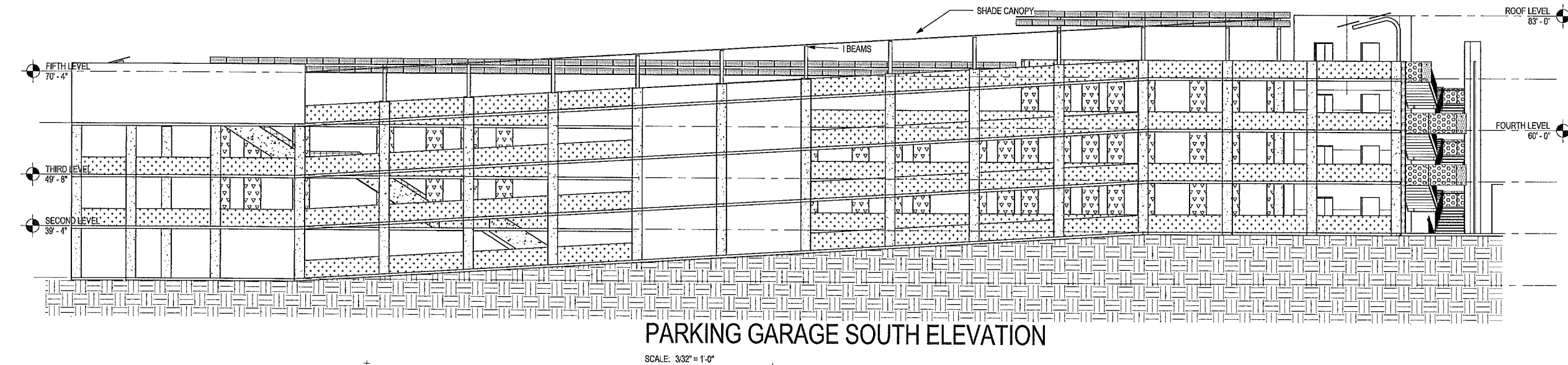
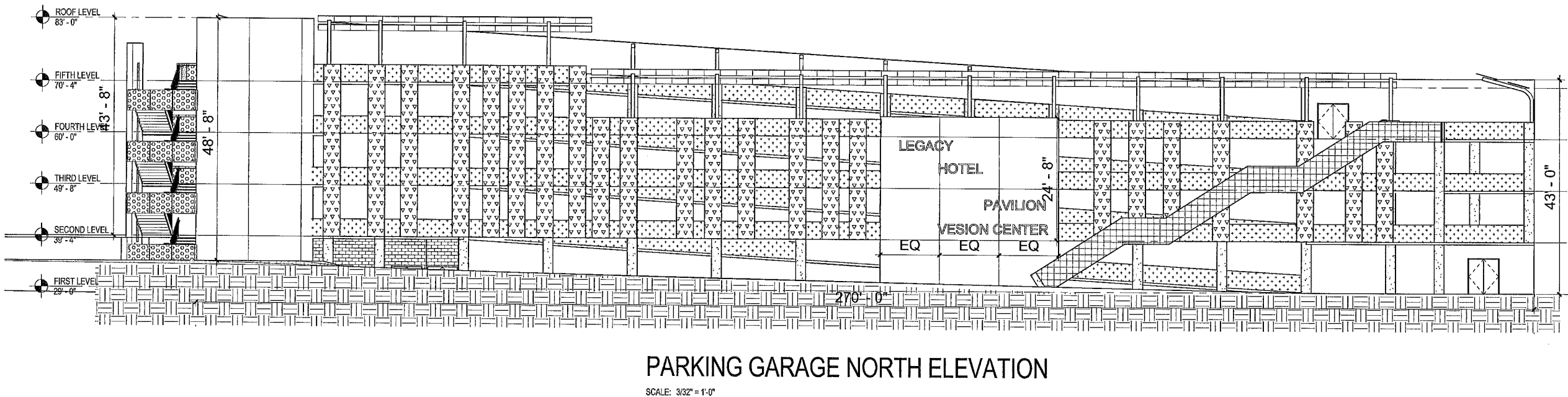
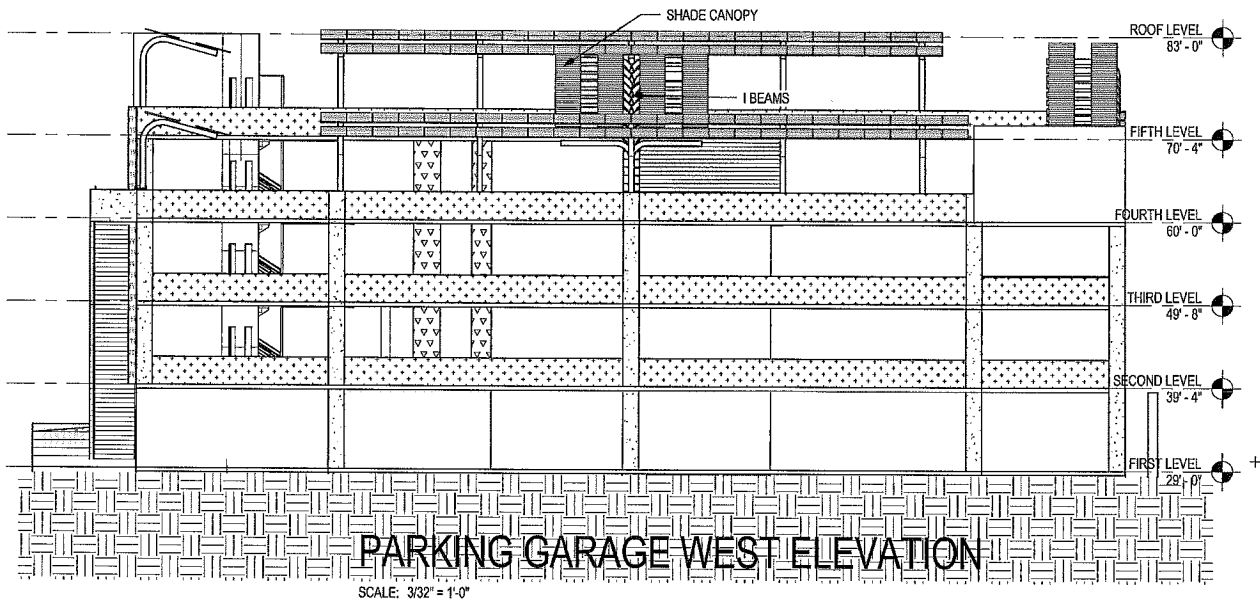
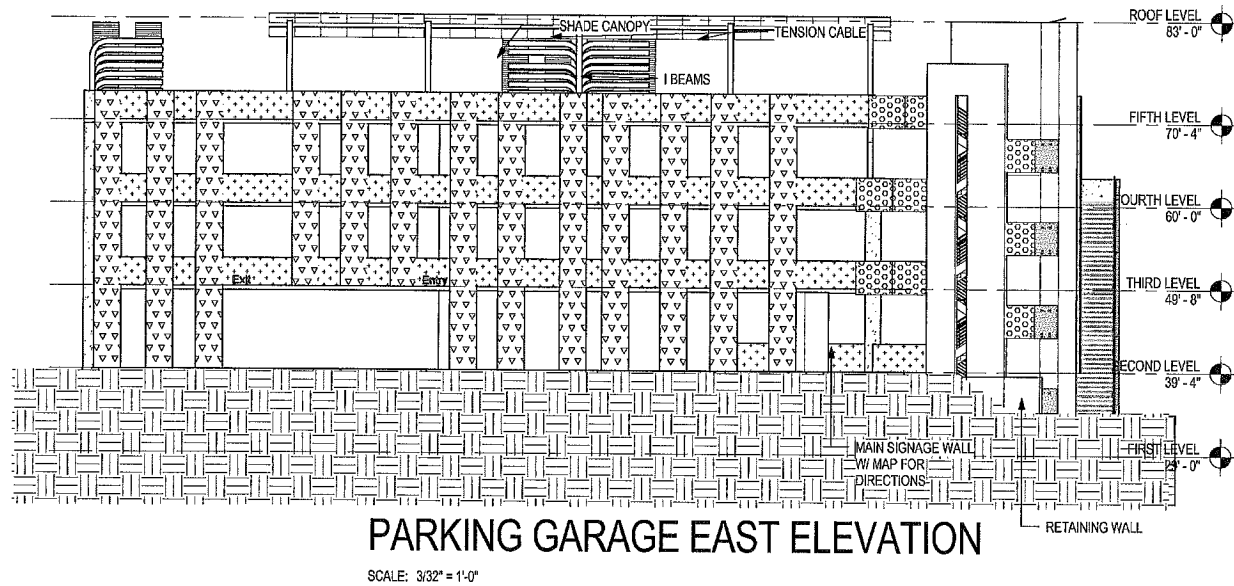
PARKING GARAGE THIRD LEVEL FLOOR PLAN

SCALE: 1/16" = 1'-0"



PARKING GARAGE FOURTH & FIFTH LEVEL FLOOR PLAN

SCALE: 1/16" = 1'-0"



MINUTES OF THE REGULAR MEETING OF THE
MISSION VALLEY PLANNING GROUP

September 7, 2016

MEMBERS PRESENT

Steve Abbo
Deborah Bossmeyer
Paul Brown

Randall Dolph
Michaela Fortunato
Alan Grant

Derek Hulse
Rob Hutsel

Andrew Michajlenko
Jim Penner
Keith Pittsford
Marco Sessa
Dottie Surdi

Josh Weiselberg

MEMBERS ABSENT

Bob Cummings
Robert Doherty
Matthew Guillory
John La Raia
Elizabeth Leventhal
Rick Tarbell

CITY STAFF

Nancy Graham
Liz Saidkhanian

A. CALL TO ORDER

Verify Quorum: 14 members were present, constituting a quorum. Chairman Dotti Surdi called the regular meeting of the Mission Valley Planning Group (MVPG) to order at 12:01 p.m. at the Mission Valley Library Community Room located at 2123 Fenton Parkway, San Diego, CA.

B. PLEDGE OF ALLEGIANCE – led by Paul Brown

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:

Dotti Surdi asked for a motion to approve the July 6th and August 3 minutes. It was noted that the Community Planning Sub-Committee meeting minutes for July and August were not yet ready.

Motion: Randy Dolph made a motion to postpone the approval of July minutes until the October meeting, giving time for the Community Plan Update Committee meeting minutes can be incorporated. Andrew Michajlenko seconded the motion. Unanimous consent.

Motion: Keith Pittsford made a motion to postpone the approval of August minutes until the October meeting, giving time for the Community Plan Update Committee meeting minutes can be incorporated. Alan Grant seconded the motion. Unanimous consent.

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 recommended two Property Taxpayer candidates to the board, Larry Wenell and Kathy McSherry, and gave a brief bio on each candidate. Both are residents of Mission Valley. Keith then distributed ballots to the MVPG membership with both candidate's names listed. The members of the board cast their ballots, which were tallied by Keith Pittsford and Rob Hutsel. A majority of members voted in favor of the candidates and they were immediately seated on the board.

Keith then noted that Marco Sessa had been nominated for the vacant position of MVPG Vice-Chair and expressed his willingness to serve. Elizabeth Leventhal had previously expressed interest but withdrew in favor of supporting Marco. A written ballot was taken by the members and tallied by Keith Pittsford and Rob Hutsel. A majority of members voted in favor of Marco Sessa as vice chair.

G. TREASURER'S REPORT

Bob Doherty was absent but sent an email to the Secretary attesting that the balance is unchanged at \$1,357.06.

H. GOVERNMENTAL STAFF REPORTS

1. City Planning Update-Nancy Graham

Nancy Graham reported on the Mission Valley Community Plan Update. Community Plan Update Committee meets 2nd Friday of every month at 3pm at the Mission Valley Library. Dottie asked for volunteer to join the committee to fill the vacancy left by Perry Dealy. Larry Wenell agreed to serve on the subcommittee and Dotti affirmed Larry for the seat. (Minutes attached).

I. NEW BUSINESS – Action Items:

1) Legacy International Center – Jim Penner, Carrier Johnson Architects, presenting – Action Item

Note: Jim Penner recused himself and became part of the audience. MVPG Chair Dottie Surdi appointed Rob Hutsel to act as Secretary for this item.

Mr. Penner introduced the item. Several key points were made including:

- a. This is a refinement of the previously presented project;
- b. The refinement was an effort to address traffic concerns;
- c. Project Floor Area reduced about 34%;
- d. Parking is consolidated and re-designed which results in eliminating approximately 200 parking stalls;
- e. Hillside encroachment was been eliminated;
- f. Traffic generated (new) reduced about 87%;
- g. Entry Monument has been removed;
- h. Water feature has been minimized;

- i. Photovoltaic panels have been installed on parking. This will generate an estimated 7 – 10% of the electricity needed;
- j. The refinement results in no unmitigated traffic impacts.

Questions and comments from Planning Group member and audience members:

#1 Project is well done. Is there an easy way to describe how the traffic reduction was achieved?

Response: The 300 seat theater was reduced to 100 seats. 40,000 square foot of lecture halls was reduced to 13,000 – 14,000 square foot.

#2 Are there less hotel rooms? Response: No, but the rooms were reduced in size and redesigned.

#3 Have you modified the vision of the number of attendees? Response: It has been right-sized based upon how we anticipate it being used.

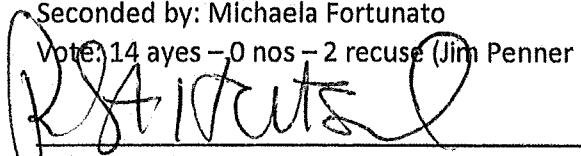
DAB report was presented. Their report is part of the meeting minutes.

Motion: To recommend approval of the project incorporating the DABs recommendations.

Made by: Keith Pittsford

Seconded by: Michaela Fortunato

Vote: 14 ayes – 0 nos – 2 recuse (Jim Penner and Steve Abbo)



Submitted by Rob Hutsel, acting treasurer

NEW BUSINESS – Information Items:

- 2) **Town & Country Resort, Lowe Enterprises – J. Todd Majcher presenting – Information item.**
Project #424475 Public Park at Town & Country Hotel.

Todd Majcher provided an informational update to the Town and Country project, noting that the EIR has been released. The project goals include: A destination resort, activating the river, expanding parks, strong transit oriented design, walk-able neighborhood, timeless design. 700 rooms down from 948. New 11,000sf lobby, 170,000 sf conference center, new food/beverage. No new ADT's are included in the project. It was noted that the "Town and Country" name will be retained and retained buildings are being modernized with theming reflecting mid-century California Ranch style. Updating on the Royal Palm tower has already started with new paint scheme. The applicant noted that they expect to come before the MVPG as an action this year in the months ahead.

Randy Dolph read the minutes from Lowe's presentation to the DAB the previous day (9/6/16 DAB meeting).

As this was an information item no motion was made and the Chair thanked the applicant for their presentation.

J. OLD BUSINESS

1. Subcommittee Reports:

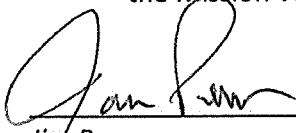
- 1) Design Advisory Board – Randy Dolph

ATTACHMENT 16

DAB met on September 6, 2016. Randy stated that he read the complete meeting minutes within the New Business Action and Information items above. (DAB minutes are attached)

- 2) MV Community Plan Update Committee – Elizabeth Leventhal/Andrew Michailenko. Andrew reported that the last meeting discussed the Urban Design Study which highlighted areas of Mission Valley capable of more density. He reported that this lead to a lively discussion on the topic. Community Plan Update Committee meets 2nd Friday of every month at 3pm at the Mission Valley Library
- 3) River Coalition – Alan Grant
Alan stated that SANDAG gave an update on the River Park Trail progress, specifically by Qualcomm Stadium. Work to start after the Chargers football season concludes. Alan also announced they will not meet this month but encouraged attendance at the San Diego River Park Foundation 15th anniversary celebration on Thursday September 22 from 6 to 9pm at the Town and Country Resort. RSVP to www.sandiegoriver.org or call 619-297-7380. (suggested donation \$10)
- 4) Parks – Rob Hutse
No New items to report.
- 5) Public Health, Safety and Welfare – Elizabeth Leventhal
Elizabeth was absent, no report.

K. **ADJOURNMENT** – There being no further business to be brought before the Committee, the meeting was adjourned at 1:18 P.M. The next regular meeting will be on Wednesday, October 5, at 12:00 p.m. at the Mission Valley Library, Community Room.



Jim Penner
MVPG Secretary

BALLOT**MISSION VALLEY PLANNING GROUP****Election of Board Members****Election Date: September 7, 2016****Elected Positions to Expire March 2020**

PROPERTY TAXPAYER Vote for 2 or less		
1.	Larry Wenell	
2.	Kathy McSherry	
3.		
4.		
5.		

LOCAL BUSINESSPERSON Vote for		
1.		
2.		
3.		
4.		
5.		

RESIDENT Vote for		
1.		
2.		
3.		
4.		
5.		
6.		

PROPERTY OWNER Vote for		
1.		
2.		
3.		
4.		
5.		
6.		

Community Plan Update Subcommittee (CPUS)

MINUTES OF THE REGULAR MEETING OF THE COMMUNITY PLAN UPDATE SUBCOMMITTEE

**MINUTES OF THE REGULAR MEETING OF THE
MISSION VALLEY COMMUNITY PLAN UPDATE SUBCOMMITTEE**

Aug 12, 2016

Members Present:

Terrence Fox, Rob Hutsel, Richard Ledford, Andrew Michajlenko, Patrick Pierce, Michael Richter, Marco Sessa, Nate Smith, Karen Tournaire

Members Absent:

Deborah Bossmeyer, Paul Brown, Alan Grant, Ryan Holborn, Derek Hulse, Elizabeth Leventhal, Karen Ruggels, Rebecca Sappenfield, John Schneidmiller, Dottie Surdi, Rick Tarbell

San Diego City Planning Staff and Consultants present:

City: Maureen Gardiner, Nancy Graham, Naomi Siodmok
Dyett & Bhatia – Rajeev Bhatia
MW Steele Group – Diego Velasco, Gaelle Brasseur

Governmental Staff:

None

Others in attendance:

Ken Gothelf, Mary Wang, John Zierbarth

A. Call to Order

Nancy Graham called the regular meeting of the Mission Valley Community Plan Update Subcommittee (CPUS) to order at 3:00 p.m. at the Mission Valley Library Community Room located at 2123 Fenton Parkway, San Diego, CA.

B. Urban Design Guidelines and Preliminary Urban Design Studies

Nancy Graham introduced Dyett & Bhatia and MW Steele Group to review urban design guidelines and preliminary urban design planning concepts for select study areas.

1. Urban design concepts and guidelines. Nancy Graham and the consultant team reviewed a presentation on urban design guiding principles. The presentation included urban design principles for streetscapes, site planning, and building design which when successfully embraced improve the quality of community.
2. Urban design goals were presented by Nancy Graham and the consultant team.
 - a. Vibrant, distinct and walkable mixed-use districts
 - b. Connected and safe neighborhoods
 - c. Improved connections and access across physical barriers

- d. Create a strong public realm framework
 - e. Parks and open spaces that enhance access to both transit and the San Diego River
 - f. Sustainable design
3. Context based guidelines and goals were presented by Nancy Graham and the consultant team:
- a. River district goals:
 - i. Establish transition zones
 - ii. Enhance trail entrances and river access
 - iii. Establish and protect overlooks
 - iv. Protect views of the river
 - v. Guide storm water capture
 - b. Transit area goals:
 - i. Ensure station visibility
 - ii. Create enhanced station arrival area/ plaza
 - iii. Establish walkable blocks
 - iv. Orient adjacent uses to establish an identifiable transit area
 - v. Establish an identifiable architectural design for each transit area
 - c. South of I-8 goals:
 - i. Buffer uses where adjacent to freeway
 - ii. Establish a consistent relationship between development and Camino del Rio South
 - iii. Establish gateways and enhance visibility of development, where appropriate
 - d. Hillside goals:
 - i. Limit grading
 - ii. Ensure site design controls erosion
 - iii. Protect views of and from hillside areas
 - iv. Enhance trail access
 - e. Nodes and gateway goals:
 - i. Orient development to create a sense of place
 - ii. Ensure an active and comfortable building-to-street relationship
 - iii. Enhance pedestrian connectivity
 - iv. Incorporate signature architecture
 - v. Incorporate branding/ identify features into streetscape design
4. Preliminary Urban Concepts. The following study areas were selected based upon 1) relatively low existing development density (FAR), and 2) relatively low accessed land value, making these study areas candidates for potential redevelopment within the next 20 years.
- a. Park Valley Center. The consultant team presented a mixed-use, transit oriented, river corridor redevelopment scenario for the existing retail strip center into a gateway community node with retail, residential, activated transit center, structured parking, public open space, river access, and an activated transit center. The following subcommittee comments were noted:
 - i. Increase intensity of development – make it worth redevelopment

- ii. How do we make this economically viable?
- iii. Not economically viable to tear down 260,000 square feet of existing retail
- iv. Further consider impact of the existing trolley line and river access
- v. Interior walkway is a positive component that draws pedestrians away from high ADTs on Camino de la Reina
- b. Camino del Rio South. The consultant team presented a hillside and south of I-8 redevelopment scenario for an existing low density office site. The study proposed mid-rise development with structured parking, rooftop open space and hillside trail connectivity. The following subcommittee comments were noted:
 - i. Building dimensions appear to too large for an idealized office floorplate
- c. Rio San Diego. The consultant team presented an infill, mixed-use, transit oriented redevelopment scenario for an existing office park with surface parking. The study proposed mid-rise infill development potential with structured parking, activated ground floor retail, and pedestrian connectivity.
- d. Friars Mission Center and Hazard Center East. The consultant team presented a master plan vision for a mixed-use, transit oriented redevelopment scenario for multiple land holdings extending from Mission Heights to the North bank of the San Diego River at Mission Center Road. Land areas included Mission Heights, Regency Center, Hazard Center East, and commercial properties located East of Mission Center between Friars Rd and the San Diego River. The study proposed development of a public open space framework extending from Mission Heights and terminating within a plaza/ park at the North bank of the San Diego River (at Mission Center Road). The proposed redevelopment introduced low to mid-rise mixed-use development to define a commercial main street along the Mission Center Road. The following subcommittee comments were noted:
 - i. Positives of the design:
 - 1. Connectivity/accessibility
 - 2. Addressing the river
 - 3. Sense of walkability
 - ii. Look at the feasibility of having access to the river/ plaza within 100 feet of the river.
 - iii. Proposed urban quality of the study would be further enhanced by studying conversion of Friars Rd and Mission Center Road as an at-grade intersection.

C. Open Discussion

- 1. The Subcommittee generally responded well to the proposed development densities shown within the preliminary urban design studies. The subcommittee encouraged the consultant team to look at putting density along Mission Center Road – great location for a spine/to handle traffic.
- 2. The Subcommittee recommended using building height limits in lieu of floor limits in regulatory planning documents.

3. Subcommittee members requested the consultant teams to cite positives as well as negatives of Mission Valley when presenting to the Mission Valley Community Planning Group Subcommittee.
4. Subcommittee members inquired as to how the planning regulatory documents will incorporate and incentivize preferred community plan development. Consultant team noted the regulatory tools for will be reviewed in further detail at future sessions.
5. Subcommittee members requested that we maintain the "big picture" of the Community and not zoom too closely into parts -- always think about all components like traffic and flooding.
6. Subcommittee members expressed an interest in providing for public open space along the river edge in perhaps two or three locations along the river throughout Mission Valley.
7. Subcommittee members expressed interest in having the consultant team review the conversion of Friars Road from a freeway to boulevard between the I-805 and SR-163 with at-grade intersections in lieu of poorly functioning freeway fly ramps. Nancy Graham noted Friars at-grade intersection improvements may not be financially supported within the infrastructure plan. Nancy further noted that this may be a vision for the 2040 Community Plan Update. The Subcommittee recommended establishing short and long term goals for Friars Road.

D. Adjournment: The meeting adjourned at 4:35pm. Next Regular Meeting Date – Friday, September 9, 2016 at the Mission Valley Library, Community Room.

DESIGN ADVISORY BOARD Mission Valley Planning Group

September 7, 2016

TO: Dottie Surdi, MVPG Chair

FROM: Randy Dolph, DAB Chair

SUBJECT: Report of September 6, 2016 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, Paul Dugas, Jerry Shonkwiler, and Dottie Surdi. Applicant representatives from the Town and Country Project include Todd Majcher and Jenny An. Applicant representatives from the Morris Cerullo Legacy Center project included Jim Penner, Chris Morrow, and representatives from Carrier Johnson (Michael Stonehouse, Lina Asad, David Bali, and Vince Mudd). Guests included Jeff Clemetson (Mission Valley News).

Town and Country Project – Informational Item

Todd Majcher provided an informational update to the Town and Country project. Highlights included:

- The draft EIR was released 3 weeks ago.
- Goals of the project encompassed the following: Creating a destination, activating the river, expanding the parks and trails, strengthening the TOD mixed use, providing a walkable neighborhood, and incorporating a timeless design.
- Uses of the project included: 840 residential units, new and improved open space, 700 hotel rooms, new 18,000 sf lobby, 170,000 sf conference center, new food/beverage, and approximately 900 parking spaces (none below grade).
- With regard to traffic, the project scope contributes no new ATDs, and reduces peak flows.
- Off-site improvements include work on Hotel Circle and Fashion Valley Road. Also, the right-of-way is expanded along the south edge of the property.
- Project circulation is enhanced, both for pedestrians and for bike flow.
- Phase 1 of the project includes: Park/river enhancements, hotel, convention center, lobby, food/beverage, Hotel Circle / entry improvements, and pedestrian/bicycle connections.
- Phase 2 and 3 of the project include the new residential components.
- As part of the branding and design: The "Town and Country" name and logo will be retained, the existing buildings to remain will be modernized, a vibrant outdoor culture will be retained, the transition between inside/outside will be seamless, the proposed materials will remain simple with pops of color, and the design elements will unite the various buildings.

Questions, comments, and concerns included:

- The DAB inquired if the proposed improvements to the Union Tribune project had been reviewed. The applicant noted that they had, and acknowledged that the river bike and pedestrian paths will align.
- The location of the loading docks was reviewed.
- The DAB requested the applicant to carefully consider the visual aspects of the south entry to the project subsequent to the completion of Phase 1 but prior to Phase 2.

Since the project was before the DAB for information only, the DAB thanked the applicant for their presentation.

Morris Cerullo Legacy Center - Revised Scope Alternative – Action Item

Jim Penner and the Carrier Johnson team provided a "revised scope alternative" to the Legacy Center project. Selected components from the presentation included:

- Penner commented that the board of directors had concerns with the unmitigated traffic items in addition to ongoing concerns with several architectural elements.
- Carrier Johnson has been retained to: Refine the project with generally the same program, seek efficiencies, develop a design that reflects an international message, and creates a project that is more inviting to the public.
- Refinements to the project included: Reducing the program floor area (thus reducing traffic impacts), consolidating parking, eliminating hillside encroachment, eliminating entry arches, minimizing water features, improving on-campus circulation, increasing on-site power generation, and architectural refinements.
- Specific changes to the project discussed included: Consolidating the program to fit within 4 buildings versus 6 previously, no below-grade parking, moving the buildings to the street edge and locating the parking toward the rear, a reduction in gross area from 538,000 sf to 391,000 sf, retaining the view corridors, creating a timeless design, and eliminating 200 parking stalls (as a result of the increased efficiencies).
- Building materials proposed encompassed metal panels, stucco, decorative metal, glass and decorative glass, stone (Minnesota limestone), and wood.
- Although outside of the purview of the DAB, the applicant noted that the previous project resulted in a traffic increase of 1,805 ADTs. With the new revised scope alternative, the traffic increase is now 226 ADTs. With this, there are now no unmitigated traffic impacts.

Questions, comments, and concerns included:

- Several DAB members expressed favorable comments to the presentation, and wished the project would have started this way several years ago.
- The DAB also commented that the revised scope alternative had a good scale and texture to the project.
- When asked if any ramp improvements were included in the revised scope, the applicant noted that none are included, and commented that the ramp improvements are part of a bigger CALTrans improvement package. The applicant noted that off-site improvements did include widening of Hotel Circle South.
- Because of the significant amount of changes proposed, the DAB inquired if a new or updated EIR would be required. The applicant responded that the intent is to update the EIR without having to recirculate it.

Since the project was before the DAB as an action item, Dolph motioned to recommend the revised scope alternative to the planning group, contingent upon the following: (1) The applicant address all outstanding City comments, and (2) The applicant return to the DAB/MVPG with any updates to the EIR, as an action item if the EIR is recirculated, or as an information item if the EIR is not recirculated. Dugas seconded the motion. 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, October 3, 2016.



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 _____

Project Title

Legacy International Center

Project No. For City Use Only

Project Address:

875 Hotel Circle South

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):

Morris Cerullo Legacy Center Foundation, LLC

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

3545 Aero Court

City/State/Zip:

San Diego, CA 92123

Phone No:

(858) 514-2630

Fax No:

Signature :

Date:

Feb 13, 2017

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

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

Legal Status (please check):

☐ Corporation
 ☒ Limited Liability -or-
 ☐ General) What State? CA
 Corporate Identification No. 95-2372233

☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of **all** persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.
 Additional pages attached
☐ Yes
☒ No

Corporate/Partnership Name (type or print):
Morris Cerullo Legacy Center Foundation, LLC

☒ Owner
☐ Tenant/Lessee

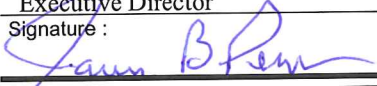
Street Address:
3545 Aero Court

City/State/Zip:
San Diego, CA 92123

Phone No: (858) 514-2630 Fax No:

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

Title (type or print):
Executive Director

Signature :  Date: Feb 13, 2017

Corporate/Partnership Name (type or print):

☐ Owner
☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

☐ Owner
☐ Tenant/Lessee

Street Address:

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