



REPORT NO. PC-16-007

DATE ISSUED: February 17, 2016

ATTENTION: Planning Commission, Agenda of February 25, 2016

SUBJECT: AC HOTEL (743 FIFTH AND 744 SIXTH AVENUES) – AMENDED GASLAMP QUARTER DEVELOPMENT PERMIT / PLANNED DEVELOPMENT PERMIT / NEIGHBORHOOD DEVELOPMENT PERMIT / NEIGHBORHOOD USE PERMIT NO. 2013-35A – PROCESS FOUR

**OWNER/
APPLICANT:** Majestic Empire Holdings, LLC
Briad Development East, LLC

SUMMARY

Issue(s): Should the Planning Commission (“Commission”) approve Gaslamp Quarter Development Permit / Planned Development Permit / Neighborhood Development Permit / Neighborhood Use Permit (GQDP/PDP/NDP/NUP) No. 2013-35A for the AC Hotel (“Project”)?

Staff Recommendation: That the Commission approves GQDP/PDP/NDP/NUP No. 2013-35A for the amended Project.

Historical Resources Board Recommendation: On January 28, 2016, the City of San Diego (“City”) Historical Resources Board (HRB) voted 9-0 on consent to recommend that the Commission grant GQDP/PDP/NDP/NUP No. 2013-35A.

Community Planning Group: On November 4, 2015, the Downtown Community Planning Council (DCPC) reviewed this Project and voted 15-0 to recommend approval of GQDP/PDP/NDP/NUP No. 2013-35A.

Environmental Review: Development within the Downtown Community Plan (DCP) area is covered under the Final Environmental Impact Report (FEIR) for the San Diego DCP, Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively) and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council

Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115). The FEIR is a "Program EIR" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. Consistent with best practices suggested by Section 15168, an FEIR Consistency Evaluation has been completed for the project. The Evaluation concluded that the environmental impacts of the Project were adequately addressed in the FEIR, the Project is within the scope of the development program described in the FEIR, and that none of the conditions listed in Section 15162 exist; therefore, no further environmental documentation is required under CEQA.

Fiscal Impact Statement: None

Code Enforcement Impact: None

Housing Impact Statement: The DCP and Gaslamp Quarter Planned District Ordinance (GQPDO) do not regulate density or Floor Area Ratio (FAR). This Project is not residential and therefore has no direct housing impact.

BACKGROUND

On March 19, 2015, the Planning Commission approved GQDP/PDP/CUP/NUP No. 2013-35 for the construction of a 7-story (maximum 75 feet tall), 119 guest room hotel development with ground floor restaurant, sidewalk cafe, a basement-level nightclub and lounge with live entertainment, rooftop pool deck and lounge, and 36 valet parking spaces on an approximately 11,500 square-foot (SF) premises located on a through-lot between Fifth and Sixth Avenues between F and G streets in the Gaslamp Quarter neighborhood of the Downtown Community Plan (DCP) area ("Downtown"). Briad Group, LLC. ("Applicant") is now requesting approval of amendments to the Project as follows:

1. The proposed amendment will increase the number of guest rooms to 147 by replacing the rooftop pool deck and lounge on the seventh floor and by adding guest rooms at a removed stair and elevator core. The stair and elevator core is no longer necessary because of the removal of the pool deck bar/lounge and because of the smaller rooftop pool deck area. No food or drink service is proposed at the revised rooftop pool area.
2. The basement-level nightclub will be eliminated. The previously approved Project included a Conditional Use Permit (CUP) for live entertainment in the previously proposed basement nightclub. The live entertainment CUP is no longer proposed as the nightclub is no longer proposed.
3. In order to accommodate the additional parking requirement, eight additional valet tandem parking spaces have been added in the basement for a total of 44 spaces.

Neighborhood Context

The Gaslamp Quarter was Downtown's first commercial and business center. After progressing through times of ill-repute and abandonment, revitalization efforts began in the late 1970s and early 1980s and were aided by Horton Plaza's success. Today, the Gaslamp Quarter has emerged as San Diego's prime entertainment and celebration destination. Conventioneers, baseball fans, and weekend diners congregate here for its lively mixture of restaurants, cafés, nightclubs, and bars. Streets are sometimes closed for special events, making this a haven for festive crowds. The entertainment uses are served well by the neighborhood's historic buildings, which provide a fine-grained, pedestrian-scaled environment and recall the district's colorful past.

In the 1980's the Gaslamp Quarter was listed as a historical district on the National Register of Historic Places. The Gaslamp Quarter extends from the south side of Broadway to Harbor Drive and from the east side of Fourth Avenue to the west side of Sixth Avenue. Also included in the Gaslamp Quarter is the west side of Fourth Avenue (to the mid-block property line) between Market and Island Avenue. The Gaslamp Quarter contains the highest concentration of historically significant commercial structures in the City of San Diego. Therefore, in order to ensure that the historical character of the Gaslamp Quarter is retained, development proposals are subject to the design and development criteria of the Gaslamp Quarter Planned District Ordinance (GQPDO) and the Gaslamp Quarter Design Guidelines ("Guidelines").

Development Team

ROLE	FIRM / CONTACT	OWNERSHIP
Applicant and Property Owner	Briad Development East, LLC. Jim Ardizzone, Senior Vice President of Development	Brad Hongfeld, CEO/Owner (Privately Owned)
Architect	Awbrey Cook Rogers McGill Architects Dennis Rogers, Design Principal	Tom Awbrey, Principal Clifford Cook, Vice President Dennis Rogers, Design Principal Scott McGill, Vice President (Privately Owned)

DISCUSSION

The amended Project proposes the construction of a seven-story (approximately 75 feet tall), full-service 147 guest room hotel development with 2,370 SF of restaurant space, approximately 5,800 SF of hotel lobby and guest services space on the ground level facing Fifth Avenue, an approximately 3,500 SF rooftop pool deck and lounge, and 44 valet-service on-site parking spaces in the second basement level.

Project Description

The following is a summary of the Project based on drawings dated December 7, 2015:

Site Area	11,500 SF (approximate)
Base Minimum Floor Area Ratio (FAR)	N/A
Base Maximum FAR	N/A
Maximum FAR with Amenity Bonuses	N/A
Maximum FAR with Affordable Housing Bonus	N/A
FAR Bonuses Proposed	N/A
Proposed FAR	5.79
Density	N/A
Total Above Grade Gross Floor Area	66,619 SF
Stories / Height	7 stories / 75 feet
Amount of Commercial Space	2,370 SF
Amount of Office Space	N/A
Housing Unit Summary	# Range Average
Total Number of Housing Units	N/A N/A N/A
Number of Units to be Demolished	0
Number of Buildings over 45 Years Old	1 (facade to be incorporated into development)
Inclusionary Affordable Housing Compliance	N/A
Automobile Parking	
Hotel (Required / Proposed)	44 (0.3 per guest room) / 44
Commercial (Required / Proposed)	0 (exempt < 30,000 SF) / 0
Motorcycle Parking (Required / Proposed)	N/A / N/A
Bicycle Parking (Required / Proposed)	N/A / N/A
Common Indoor Space	
Required	N/A
Proposed	N/A
Common Outdoor Open Space	
Required	N/A
Proposed	N/A
Private Open Space (Balconies and Decks)	
Required	N/A
Proposed	N/A
Pet Open Space	
Required	N/A
Proposed	N/A
Residential Storage	N/A
Assessor Parcel Numbers	535-093-17-00
Sustainability	Not participating in any recognized program

Permits Required

- GQDP: required for any new construction involving 1,000 SF or more of gross floor area not within an existing building
 - GQPDO section 157.0302(a)(3) requires review and a recommendation from the Historical Resources Board (HRB) to the CivicSD President (“President”) prior to the President making a decision for building heights in excess of 60 feet and up to 75 feet
- PDP: required for deviations from the San Diego Municipal Code (SDMC) parking standards (with valet parking) for:
 - Smaller than required parking spaces;
 - Tandem parking;
 - Narrower than standard drive aisles; and,
 - Parking in the drive aisles
- NDP: required for construction of a privately owned structure proposed to encroach into a public right-of-way (ROW) dedicated for a street or an alley where the applicant is the record owner of the underlying fee title. The encroachment proposed is the subterranean garage and transformer vault; and,
- NUP: required for sidewalk cafes in the Public Right-Of-Way (PROW) in the Gaslamp Quarter or any other public outdoor use area for eating or drinking on private property used in conjunction with a commercial establishment.

Per SDMC Section 112.0103, when an Applicant applies for more than one permit for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that development, and the findings required for approval of each permit shall be considered individually. The decision-maker for this Project is the Planning Commission in accordance with Process Four review, whose decision is appealable to the City Council.

DCP Analysis

The DCP envisions Downtown as a multi-use regional center, with strong employment and residential components. A residential buildout population of approximately 90,000 people has been targeted with a market for a broad array of supporting stores and services with opportunities to live close to jobs and transit. The DCP envisions Downtown as a quilt of distinctive, walkable neighborhoods with unique identities. Diversity in scale, design, texture, and light will help build complexity and an engaging human experience. Urban design strategies identified in the DCP seek to maximize the advantage of San Diego’s climate, foster vital and active streetlife, ensure that development is designated with a pedestrian orientation, promote fine-grain development where appropriate, and is sustainable. Sustainable planning entails promoting infill, adaptive reuse, and redevelopment. At the building level it encourages daylighting, cross ventilation, building re-use, building heat island reduction, and techniques to reduce stormwater

surface runoff. In non-design and construction-related activities it encourages waste reduction and recycling. The DCP implements the City of Villages strategies of the City's General Plan by directing growth in limited areas served by transit as an efficient use of urban land that reduces the need to develop outlying areas while creating opportunities for realistic alternatives to automobile travel.

The Gaslamp Quarter was Downtown's first commercial and business center. There is no separate Neighborhood Center with the Gaslamp Quarter, as the entire area is teeming with activity and amenities. Building intensities are low compared to other areas of Downtown, reflecting limitations imposed to protect the Gaslamp Quarter's historic character.

The Gaslamp Quarter will continue to serve Downtown residents and employees, the region at large, as well as Downtown's significant numbers of tourists and conventioners, through both the popular outdoor mall and nearby historic walking streets. Petco Park and the Convention Center provide another visitor stream, for the southern Gaslamp Quarter in particular. The Gaslamp Quarter is also a center for local employment, with employment opportunities are expected to reach 16,000 jobs upon build-out with only a 2,000 resident population.

Applicable DCP Goals and Policies

- 3.1-G-2 Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services
- 3.5-G-2 Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them
- 6.4-G-1 Maintain the Gaslamp Quarter as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal

DESIGN REVIEW

This Project is a blend of contemporary styles while respecting the Gaslamp Quarter development regulations. The facades are designed to complement the scale and historic quality of the area. Columns, pilasters and textured materials are used to offer relief in a contemporary manner. With an average of 25 guestrooms per floor for the six guestroom floors, both the Fifth and Sixth avenue elevations of these floors present a similar repetitive pattern emphasizing vertical design elements as desired in the Gaslamp Quarter. Within the Gaslamp Quarter, the maximum height for buildings is 60 feet; however, overall building height may be increased to 75 feet as currently proposed in accordance with Process Two and upon review and recommendation from the Historical Resources Board.

The Project site is generally flat and contains a two-story building constructed in 1998 which is currently occupied by the T.G.I. Fridays and McFadden's restaurants. This building is proposed to be demolished to accommodate this Project. The northern boundary of the site is adjacent to the historic Pierce-Field building and the southern boundary is adjacent to the Gaslamp Reading Theaters building. The remainder of the block contains a variety of mid- to low-scale commercial/retail buildings.

Amendments

The Applicant is proposing to increase the number of guest rooms that had been previously approved with GQDP/PDP/CUP/NUP No. 2013-35 and revise the exterior appearance accordingly, which requires consideration of an amendment to that Permit. The proposed amendment will increase the number of guest rooms from 119 to 147. This involves filling-in the previous seventh-floor rooftop pool deck and lounge with guest rooms and locating a smaller version of the rooftop pool deck and lounge on the seventh floor roof. With the reduced size and programming of the rooftop pool deck, the independent elevator and stair to the roof is no longer required and the core has been relocated internally, allowing the former stair tower to accommodate additional guest rooms. Also deleted from the original program is the large guest suite and private decks at the top of the Sixth Avenue elevation which allows additional guest rooms to be added here as well. The resulting changes to the exterior elevations reinforce the vertical expression of the Project and addresses previous design concerns identified during the previous permit approvals.

Fifth Avenue Elevation

The proportions and alignment of the ground-floor storefront openings have been adjusted in response to internal reconfigurations of the ground-floor area. Historically, storefronts in the same building in the Gaslamp Quarter had cohesive design elements. The revised design of the building base and storefront area appears to maintain the cohesive design elements of the previous iteration by maintaining proportional storefront openings, by including transom windows and by maintaining a weighted, heavy base.

The exterior design of floor levels three through six remain largely unchanged from the previous design with exception of slightly taller floor levels. Balconies with metal rails have been added to the recessed, southerly facade on floors three through seven. The proposed in-fill area of the seventh floor appears to provide a more unified and regular “cap” to the top of the building, and as such, would bring the proposed design closer into conformance with the Gaslamp District Historic District and with the Guidelines.

Sixth Avenue Elevation

The Sixth Avenue elevation remains largely unchanged from the approved elevation with the exception of the revised seventh level. Similar to the Fifth Avenue seventh level re-design, the proposed in-fill of the top of the building would bring the proposed design closer into conformance with the Gaslamp District Historic District and with the Guidelines.

As part of this Project, the Applicant is proposing a partial rehabilitation of the historical “Gaslamp Galleria Building” facade along 6th Avenue. This facade is the only portion of the existing building that is historic and is considered to be a contributor to the Gaslamp Quarter. Therefore, any proposed alterations to the facade are required to follow the appropriate Secretary of the Interior Standards for the Treatment of Historic Properties (“The Standards”). The Applicant is proposing to remove the existing storefront system and replace it with a new storefront system more closely aligned to the historic design. In order to accommodate the vehicular entrance for the proposed vehicle elevator, the storefront replacement will include

replacing the existing doors with a glass and metal overhead door that mimics the historic storefront design. Additionally, the replacement of awnings, new paint, and the removal and infill of the existing vertical window at the south end of the facade are proposed as part of the storefront replacement.

North Elevation

As result of the seventh-level in-fills, slightly more building mass has been introduced to the northerly elevation on the respective east and west ends of the northern elevation. Scoring lines, recesses, and the proposed mural of the historic Gaslamp Quarter have been extended to the seventh level wall to enhance this area. On the westerly blank wall section of the north elevation, the previously approved brick treatments have been extended to the seventh level. Additional glazed window openings have also been proposed where habitable hotel rooms are now proposed where the pool deck area was previously proposed.

Parking

The GQPDO requires 0.3 parking spaces per hotel room for hotel developments containing more than 25 guest rooms. This Project is required to provide 44 parking spaces and will provide the required spaces on-site within a valet parking garage located on the second level below grade. Access to the parking structure is provided via the driveway and car elevator on Sixth Avenue which will transport the vehicle to the enclosed parking structure for storage. The Applicant intends to operate parking through a valet service accessed from a proposed primary passenger loading zone on Fifth Avenue that will be available 24 hours for hotel guests, and from a secondary passenger loading zone on Sixth Avenue that will be available when Fifth Avenue is closed for events.

The GQPDO exempts commercial developments and the commercial portion of mixed-use developments from being required to provide off-street parking when the area of commercial use is less than 30,000 SF.

GQDP

A GQDP is required for construction involving 1,000 SF or more of gross floor area (GFA) not within an existing building envelope. A GQDP may be granted for building heights from 61 feet to 75 feet according to GQPDO section 157.0203(a)(2) after the HRB reviews and makes a recommendation to the decision maker, and the decision maker finds the development is consistent with the GQPDO, the Centre City Redevelopment Plan, the DCP, the Guidelines, the SDMC, and any other adopted plans or policies of the City applicable to the GQDP. A GQDP may be denied based upon written findings that the project is not consistent with the GQPDO, the Centre City Redevelopment Plan, the DCP, the Guidelines, the SDMC, and any other adopted plans or policies of the City applicable to the GQDP.

Finding

1. The proposed development is consistent with the GQPDO, Centre City Redevelopment Plan, DCP, GQPD Guidelines, the San Diego Municipal Code (SDMC), and all other adopted plans and policies of the City of San Diego pertaining to the GQPD.

The proposed development is consistent with the GQPDO, Centre City Redevelopment Plan, DCP, the Guidelines, the San Diego Municipal Code (SDMC), and all other adopted plans and policies of the City of San Diego pertaining to the GQPD as the development advances the goals and objectives of the DCP and GQPDO by:

- Providing for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services
- Fostering a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them
- Maintaining building volume standards that allow sunlight to reach streets and public spaces
- Maintaining the Gaslamp Quarter as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal
- Protecting historic resources to communicate Downtown's heritage
- Encouraging the rehabilitation and reuse of historical resources

In addition, with approval of GQDP/PDP/NDP/NUP amendment No. 2013-35A, this Project will be consistent with the requirements of the SDMC and GQPDO.

PDP

The purpose of PDP regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The intent of PDP regulations is to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits. This Project as proposed requires a Process Four PDP as a commercial development requesting deviations from applicable zone regulations. The findings for approval of a PDP are evaluated to determine if the proposed deviations facilitate development that is beneficial to the community and results in a more desirable project than could otherwise be achieved if the project were required to rigorously adhere to the development regulations.

Four deviations from the SDMC have been identified:

1. Permitting tandem parking to meet the minimum required parking for commercial uses other than for employee parking, valet parking associated with restaurant use, and for bed and breakfast establishments [SDMC 142.0555(b)]. Although hotel is not a specifically listed use under tandem parking for commercial uses, it is similar to the uses listed and in this instance permits this creative parking solution to fully park the hotel on this small and oddly shaped site. The use of valet parking will eliminate any concern for access to individual vehicles as vehicles will be able to be delivered curbside to the owners upon request.

2. Some parking spaces are smaller than the minimum size [SDMC 142.0560(b) and Table 142-05K]. The SDMC requires parking spaces to be of a minimum width for several conditions depending upon use. Standard parking spaces are to be eight feet wide and eighteen feet long and standard tandem parking spaces are to be eight feet wide and 36 feet long. Parking spaces abutting an obstacle on one side are to be nine feet wide and eighteen feet long, and tandem parking spaces abutting an obstacle on one side are to be nine feet wide and 36 feet long. Although few of the parking spaces meet parking requirements of the SDMC, this is an acceptable deviation that permits adequate on-site parking on a tight urban lot within a Historic District with sole use of professional valet parking service and no access to the parking lot by hotel guests or restaurant patrons. As demonstrated in Exhibit B, the Applicant has provided diagrams that demonstrate all vehicle maneuvering will be able to be accommodated within the garage space without moving cars to Sixth Avenue.
3. Drive aisles in the subterranean parking facility are narrower than the minimum width [SDMC 142.0560(c) and Table 142-05L]. Minimum drive aisle width is 24 feet for two-way traffic. This Project proposes drive aisle width of 18 feet. By utilizing valet parking exclusively there is not the concern of the general public attempting tight maneuvering into a parking space as all parking will be performed by professional valet drivers. The applicant has demonstrated in Exhibit B that all vehicle maneuvering will be able to be accommodated within the garage area.
4. Parking in the drive aisles is not permitted by definition [SDMC 142.0560]. However, utilizing professional valet parking to permit an additional nine automobile and two motorcycle parking spaces in the drive aisle will allow this narrow and oddly-shaped lot to support the required 44 parking spaces on-site, concealing them in a subterranean garage in the Historic District. Vehicle owners will be able to access their vehicles curbside.

Staff has reviewed the Applicant's request for deviations from the SDMC regarding Parking Facilities Development and Design Regulations, and has considered any potential impacts that could result from allowing the proposed deviations to these regulations. It is precisely these deviations from the regulations that permit a hotel with parking requirements, in compliance with the DCP goals, on a small infill site to be possible. With properly managed valet parking there will be no adverse effect on public health, safety, and welfare.

Findings

Pursuant to section 126.0604 of the SDMC, the following three findings must be made to approve a PDP:

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

The proposed Project is consistent with the objectives of the DCP, GQPDO, and the Guidelines in that the Project provides a balance of uses appropriate for the Gaslamp Quarter, including employment and destination with amenities and services to residents and guests while maintaining the Gaslamp Quarter as an entertainment district with a broad mix of uses,

high activity, and wide-ranging appeal. The requested parking standards deviations from restrictions on tandem parking, minimum parking space size, minimum drive aisle width, and prohibiting parking in drive aisles will provide relief from the strict application of the development standards in order to permit the efficient use of professionally managed valet parking serving the visiting hotel guests on a narrow site that otherwise would not be able to provide parking conforming to the applicable regulations. The requested deviations meet the intent of the regulations when all guest parking is provided through valet service where there would be no anticipated negative effect on guests and only a negligible impact on the surrounding neighborhood by providing appropriate curbside passenger loading zones.

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

The granting of the deviations and approval of the Project will not negatively impact the public health, safety, and general welfare by providing the required number of parking spaces onsite and off of the Public Right-Of-Way. Utilizing an automobile lift concealed behind a lift door manufactured to emulate the historical window pattern of the facade is the most efficient use of limited space on a narrow lot and more appropriately conceals the parking function of the Project in the Gaslamp Quarter than a traditional parking garage entrance. Overall, the proposed development is consistent with the plans for this neighborhood and will contribute to its vitality by providing an attractive development and enhanced pedestrian experience on both street frontages.

3. The proposed development will comply with the regulations of the SDMC 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 SDMC.

The proposed development will meet all of the requirements of the SDMC (part of the SDMC) and GQPDO with approval of the parking regulation deviations, which are allowable under a PDP. The deviations only affect the internal operations of the hotel and will not directly affect the public. These deviations permit the hotel use on this relatively small site would otherwise not be feasible with strict compliance to the parking standards of the SDMC. With approval of the PDP, the Project will comply to the maximum extent feasible with all applicable regulations and be a more desirable development than if designed in strict conformance with these specific development regulations.

NDP

The purpose of the NDP regulations is to establish a review process for proposed development that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed development complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of development proposed, and to apply limited conditions if necessary to achieve conformance

with these regulations. A NDP is required for construction of a privately owned structure proposed to encroach into a ROW dedicated for a street or an alley where the applicant is the record owner of the underlying fee title. In this instance, the proposed subterranean garage and transformer vault encroaches into the ROW.

Findings

In order to grant approval of a NDP, the following findings must be made:

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

Subterranean encroachments into the ROW are anticipated in the GQPDO to support private development to achieve the goals of the DCP. The proposed subterranean garage and transformer vault encroachments would not prohibit installation of required street trees or otherwise impact the Project's ability to comply with other development standards. Without any at- or above-grade impacts, the subterranean garage encroachment will not adversely affect the DCP but in fact will help achieve its goals identified under GQDP findings. The goals and policies of the DCP encourage an overall balance of uses as well as a full compendium of amenities and services. The encroachments would support development of new a hotel project that would enhance the commercial balance of uses in the area and would further the Gaslamp Quarter as a destination neighborhood. The encroachments would also allow the Project to maintain the Gaslamp Quarter as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal.

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

Compliance with California Building Code regulations and City Council Policy 700-18 for subterranean encroachments into the ROW will be required to ensure such encroachments are not detrimental to the health, safety, and welfare of the public. Review of full compliance with these regulations shall occur during the construction permit review.

3. The proposed development will comply with the applicable regulations of the SDMC including any allowable deviations pursuant to the SDMC.

The SDMC stipulates that a Neighborhood Development Permit is required for construction of a privately owned structure in the ROW dedicated for a street or an alley, where the applicant is the record owner of the underlying fee title. The Project Applicant is currently the record owner of the underlying fee title of the entire existing ROW where the encroaching subterranean garage is proposed.

NUP

The Applicant is proposing a sidewalk cafe along the Fifth Avenue street frontage. Within the GQPD establishments with outdoor areas for eating or drinking located either on private property or in the ROW in connection with a commercial establishment shall be required to obtain a NUP. Sidewalk cafes in the ROW or any other outdoor area for eating or drinking on private property used in connection with a commercial establishment require approval of an NUP.

The NUP procedures establish a review process for developments that propose new uses, changes to existing uses, or expansions of existing uses that could have limited impacts on the surrounding properties. The intent of these procedures is to determine if the development complies with all applicable regulations of the zone and any supplemental regulations pertaining to the use, and to apply conditions that may be necessary to help ensure compliance. Staff has reviewed the Applicant's request for a sidewalk cafe, and has considered any potential impacts that could result from allowing the proposed uses. Overall, the proposed use is consistent with the goals and the policies of the DCP for the Gaslamp Quarter. Staff is recommending approval of the sidewalk cafe subject to the conditions listed in the draft NUP to ensure that the establishment does not become a nuisance and is consistent with other similar venues in the Gaslamp Quarter.

Findings

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

The outdoor use area will be open to both hotel guests and the general public. Outdoor use areas associated with eating and drinking establishments are an allowed use in the GQPD.

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

The proposed uses will not be detrimental to the public health, safety, and welfare provided the Owner and Permittee adheres to the standard and Project-specific conditions of approval including, but not limited to, conditions related to hours of operations, activity restrictions, and sound and security measures to ensure that the use is compatible with the surrounding neighborhood.

3. The proposed use or development will comply to the maximum extent feasible with the regulations of the SDMC.

The proposed uses are permitted uses in the GQPDO and SDMC with approval of a NUP, and will comply to the maximum extent feasible with the regulations of SDMC and the GQPDO with approval of a NUP.

CONCLUSION

Staff recommends that the Commission grants GQDP/PDP/NDP/NUP No. 2013-35A, subject to the conditions identified in the Draft Permit.

Respectfully submitted:

Concurred by:



Aaron Hollister
Senior Planner



Reese A. Jarrett
President



Brad Richter
Assistant Vice President, Planning

Attachments: A – Project Data Sheet
B – Applicant's Architectural Narrative
C – Ownership Disclosure Statements
D – PDP Supplemental Application
E – Draft GQDP/PDP/NDP/NUP No. 2013-35A
F – Draft Planning Commission Resolution
Basic Concept/Schematic Drawings dated December 7, 2015

PROJECT DATA SHEET

PROJECT NAME	AC Hotel Amendment	
PROJECT DESCRIPTION	Full-service hotel development located on an approximately 11,500 square-foot premises located on the east side of Fifth Avenue and west side of Sixth Avenue between F and G streets in the Gaslamp Quarter (743 Fifth and 744 Sixth avenues). This seven story Project is comprised of 147 guest rooms, approximately 2,370 square feet of commercial restaurant space, an approximately 3,500 square-foot roof-top pool deck and lounge, and 44 valet parking spaces in one level of subterranean parking.	
COMMUNITY PLAN	Downtown Community Plan	
COMMUNITY PLAN LAND USE DESIGNATION	Gaslamp Planned District Ordinance	
ZONING INFORMATION		
ZONE:	Gaslamp Planned District Ordinance (This ordinance establishes design and development criteria to ensure that the development and redevelopment of the Gaslamp Quarter Planned District and Gaslamp Quarter Historical District implement the goals of the Downtown Community Plan.)	
HEIGHT LIMIT:	500 Feet Above Mean Sea Level	
LOT SIZE:	11,500 Square Feet	
FRONT SETBACK:	0 Feet	
SIDE SETBACK:	0 Feet	
REAR SETBACK:	0 Feet	
PARKING:	44 Required / 44 Provided	
ADJACENT PROPERTIES	LAND USE DESIGNATION	EXISTING LAND USE
NORTH	Gaslamp Planned District Ordinance	Commercial
SOUTH	Gaslamp Planned District Ordinance	Commercial
EAST	Gaslamp Planned District Ordinance	Mixed-Use
WEST	Gaslamp Planned District Ordinance	Commercial
DEVIATIONS OR VARIANCES REQUESTED	Deviations: 1. Tandem Parking 2. Smaller Than Required Parking Spaces 3. Narrower Than Standard Drive Aisles 4. Parking In The Drive Aisles	
COMMUNITY PLANNING GROUP RECOMMENDATION	On November 4, 2015, the Downtown Community Planning Council voted 15-0 to recommend that the Commission grant GQDP/PDP/NDP/NUP No. 2013-35A.	



AWBREY COOK ROGERS MCGILL
ARCHITECTS + INTERIORS

Monday, October 12, 2015

Re: Gaslamp AC Hotel
San Diego, CA 92101
ACRMA Project No: 13-7901

Tom Awbrey RA, Principal Architect
Clifford Cook RA, Vice President
Scot McGill RA, Vice President
Dennis Rogers RA, Design Principal
Tim Fleming RA, Associate Principal
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Ricardo Garcia, Associate
Maria Ruiz-Ostmeyer RA, Associate
Leonard Brinkers RA, Associate
David Semon RA, Associate

Architectural Narrative
AC Hotel by Marriott, 743 Fifth Avenue, San Diego

The AC Hotel is located in the historic Gaslamp Quarter on the east side of Fifth Avenue mid-block between F and G streets. A multiplex theater is located to the south and a one story historical building to the north. The site is a thru block site stretching from Fifth to Sixth Avenue.

The AC Hotel brand has its roots in Spain. The brand originated in 1998 to cater mainly to generation Y. To maintain the Spanish origins the Fifth Avenue façade was designed with clues from traditional Spanish architecture while maintaining the historical feel of the block. The facade on Fifth Avenue is divided into three main elements: A base, middle and top.

The base extends up approximately 25 feet and contains the ground level entrances to the hotel, and the restaurant. There are horizontal balconies with decorative metal railings at the second and third floors to define the base zone. The two main uses at the street level, the hotel and restaurant are designed using doors with bulkheads with the hotel entrance defined by a steel canopy and hotel signage over an operable metal storefront system, which provides a unique indoor / outdoor experience to the lobby. The restaurant has a similar operable window system. The

proposed base material and finish is a pre-manufactured simulated stone material attached to the exterior without grout joints. The cladding will consist of random horizontal banding with different heights and lengths playing with both scale and texture (smooth and rocked). The stone has a unique look reminiscent of traditional stone with a tone on tone color effect. There will also be a 30 inch stone base of flamed granite installed at the base of the columns to ground the building and contrast the stone cladding.

The middle section of the façade has vertical pilasters with recessed brick reveals, and floor to ceiling glass windows with black frames spanning from the third to the sixth floor.

A third horizontal balcony with decorative metal railing at the seventh floor defines the top of the façade along with a simple contemporary cornice at the parapet.

The design approach for the Sixth Avenue side requires the reuse of an existing two story façade that is constructed of brick with existing recessed storefront at the ground floor and random window openings at the second and third levels.

The ground level will allow access to the underground valet parking through the use of a car lift which will have a roll up door with translucent glass. The remainder of the storefront is a secondary hotel lobby and service entry. The storefront system will be constructed of translucent glass with black metal frames. The existing upper portion windows of the façade will be frosted to accommodate the hotel's fitness room. Four new guestroom levels will be constructed above the existing façade; each guestroom facing Sixth Avenue will have a private French balcony with decorative metal railing and operable doors. The top is defined by a slim simple contemporary cornice that fits the building's proportions.

The selected colors for the 6th Avenue existing façade are mainly historical yellows with green canvas awnings, and the tower portion is mainly whites with warm gray accents contrasted with black railings and window frames similar to the 5th Avenue side.

The AC Hotel is designed with respect to the historical context of the Gaslamp Quarter but it also incorporates a fresh modern take on traditional building elements and materials.



Ownership Disclosure Statement

Approval Type: Check appropriate boxes for type of approval(s) requested:

- | | | |
|--|--|---|
| <input type="checkbox"/> Limited Use Approval | <input type="checkbox"/> Neighborhood Development Permit | <input type="checkbox"/> Centre City Development Permit |
| <input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> Planned Development Permit | <input type="checkbox"/> Gaslamp Quarter Development Permit |
| <input type="checkbox"/> Neighborhood Use Permit | <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> Marina Development Permit |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Coastal Development Permit | <input type="checkbox"/> Other: _____ |

Project Title: AC HOTEL GASLAMP

Project Address: 743 FIFTH AVE

Assessor Parcel Number(s): 5350931700

Part 1 – To be completed by property owner when property is held by individual(s)

By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the owner(s) and tenant(s) (if applicable) of the above referenced property or properties; all subject properties must be included. The list must include the names and addresses of all persons who have an interest in the property or properties, 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 or properties). Original signatures are required from at least one property owner for each subject property. Attach additional pages if needed. Note: The Applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. 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):

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature:

Date:

Name of Individual (type or print):

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature:

Date:

Project Title: AC HOTEL GASLAMP

Part 2 – To be completed by property owner when property is held by a corporation or partnership
 By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the names, titles, and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and/or all partners in a partnership who own the property or properties). Original signatures are required from at least one corporate officer or partner who own the property for each subject property. Attach additional pages if needed. Provide the articles of incorporation, articles of organization, or partnership agreement identifying all members of the corporation or partnership. Note: The applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☒ No**Corporation/Partnership Name (type or print):**MAJESTIC EMPIRE HOLDINGS LLC☐ Corporation ☒ LLC ☐ Partnership

Assessor Parcel Number(s):

5350931700

Street Address:

78 OKNER PKWY

City/State/Zip Code:

LIVINGSTON, NJ 07039

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

BRAD HONIGFELD

Title:

MANAGING MEMBER

Phone Number:

973-597-6433

E-mail:

jtaleric@briad.com

Signature:

Date:

3/2/15**Corporation/Partnership Name (type or print):**☐ Corporation ☐ LLC ☐ Partnership

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

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

Title:

Phone Number:

E-mail:

Signature:

Date:

Project Title: AC HOTEL - GASLAMP

Part 2 – To be completed by property owner when property is held by a corporation or partnership
 By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the names, titles, and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and/or all partners in a partnership who own the property or properties). Original signatures are required from at least one corporate officer or partner who own the property for each subject property. Attach additional pages if needed. Provide the articles of incorporation, articles or organization, or partnership agreement identifying all members of the corporation or partnership. Note: The applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☒ No**Corporation/Partnership Name (type or print):**BRIAD DEVELOPMENT, LLC☐ Corporation ☒ LLC ☐ Partnership

Assessor Parcel Number(s):

5350931700

Street Address:

78 OKNER PARKWAY

City/State/Zip Code:

LIVINGSTON, NJ 07039

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

BRAD HONIGFELD

Title:

MANAGING MEMBER

Phone Number:

973-597-6433

E-mail:

jtalerico@briad.com

Signature:

Date:

3/10/15**Corporation/Partnership Name (type or print):**☐ Corporation ☐ LLC ☐ Partnership

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

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

Title:

Phone Number:

E-mail:

Signature:

Date:

Project Title: AC HOTEL GASLAMP**Part 3 – To be completed by all other financially interested parties**

List below the names, titles, and addresses of all financially interested parties and state the type of financial interest (e.g., applicant, architect, lead design/engineering professional). Original signatures are required from at least one individual, corporate officer, and/or partner with a financial interest in the application for a permit, map, or other matter, as identified above. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. 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):**☐ Applicant ☐ Architect ☐ Other _____

Street Address: _____

City/State/Zip Code: _____

Phone Number: _____

E-mail: _____

Signature: _____ Date: _____

Corporation/Partnership Name (type or print):AMBREY COOK ROGERS MCGILL ARCHITECTS☐ Corporation ☐ LLC ☐ Partnership☐ Applicant ☒ Architect ☐ Other _____

Street Address: _____

1045 14TH ST. #100

City/State/Zip Code: _____

SAN DIEGO, CA 92101

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

DENNIS ROGERS

Title: _____

DESIGN PRINCIPAL

Phone Number: _____

619-398-3480

E-mail: _____

DENNIS@ACRMA.COM

Signature: _____ Date: _____

Name of Individual (type or print):☐ Applicant ☐ Architect ☐ Other _____

Street Address: _____

City/State/Zip Code: _____

Phone Number: _____

E-mail: _____

Signature: _____ Date: _____

Corporation/Partnership Name (type or print):☐ Corporation ☐ LLC ☐ Partnership☐ Applicant ☐ Architect ☐ Other _____

Street Address: _____

City/State/Zip Code: _____

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

Title: _____

Phone Number: _____

E-mail: _____

Signature: _____ Date: _____



Tuesday, March 10, 2015

Project title: AC Hotel Gaslamp

Attachment to Part 3.

Tom Awbrey RA, Principal Architect
Clifford Cook RA, Vice President
Scot McGill RA, Vice President
Dennis Rogers RA, Design Principal
Tim Fleming RA, Associate Principal
Walter Rubio RA, Associate Principal
Kevin Terra, Associate Principal
Ricardo Garcia, Associate
Maria Ruiz-Ostmeyer RA, Associate
Leonard Brinkers RA, Associate
David Semon RA, Associate

Ownership Disclosure Statement

List of Financially Interested Parties

Tom Awbrey RA , Principal Architect

Clifford Cook RA , Vice President

Scot McGill RA , Vice President

Dennis Rogers RA, Design Principal

Tim Fleming RA , Associate Principal

Ricardo Garcia, Associate

**CIVIC SAN DIEGO
PLANNED DEVELOPMENT PERMIT
SUPPLEMENTAL APPLICATION**

The purpose of a Centre City Planned Development Permit (CCPDP) is to provide flexibility in the application of development regulations for projects where the strict application of the development regulations would restrict design options and results in a less desirable project. CCPDP's may be approved or denied by the Civic San Diego (CSD) Board of Directors at a publicly noticed hearing as part of the Design Review process. The CSD Board of Directors decision is appealable to the City of San Diego Planning Commission.

Project Name: AC HOTEL - GASLAMP

Address/Location: 743 5TH AVE. / 744 6TH AVE.

List **ALL** CCPDO development regulations (include relevant CCPDO sections) for which the project is seeking a deviation. Provide a separate sheet if necessary.

EXAMPLE: CCPDO Section 156.0310(a) - Minimum Lot Size and Minimum Lot Coverage

1. 156.0311(d)(1) URBAN DESIGN REGULATIONS - TRANSPARENCY
2. 156.0311(j) HISTORICAL RESOURCES
3. TABLE 156-0313 B NON RESIDENTIAL OFF STREET PARKING SPACE REQ.
4. TABLE 142-05K MINIMUM OFF STREET PARKING SPACE DIMENSIONS
5. TABLE 142-05L AISLE DIMENSIONS
6. _____

Provide a brief description of reasons for requested deviations listed above. How will the strict application of development regulation(s) result in a less desirable project?

THE PROPOSED PROJECT IS RESTRICTED FROM HAVING A GARAGE ENTRY ON 5TH AVE. SIDE. DUE TO THE AMOUNT OF GLAZING REQUIRED AND THE REQUEST THAT WE RECREATE THE EXISTING FACADE STOREFRONT, AND THE TOTAL PROPERTY LINE WIDTH (40'-0") ON 6TH AVE. WE WERE UNABLE TO INCORPORATE A RAMP TO THE PARKING GARAGE ON THIS SIDE, WHICH IS WHY A CAR LIFT WAS INCORPORATED. IN ORDER TO COMPLY WITH THE PARKING RATIO PRESCRIBED BY THE CODE THE DRIVING ISLES HAD TO BE REDUCED AND PARKING STALLS HAD TO BE STACKED AND WILL BE OPERATED BY VALET SERVICE.

PLANNED DEVELOPMENT PERMIT FINDINGS

Under the CCPDO the following four findings must be made in order to approve a CCPDP. For each finding listed below, please explain how the application meets these findings:

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

THE PROPOSED HOTEL AS DESIGNED WITH A CAR LIFT, TANDEM PARKING AND VALET SERVICE WILL NOT AFFECT THE APPLICABLE LAND USE PLAN.

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

THE PROPOSED HOTEL AS DESIGNED WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE IF THE CAR LIFT, PARKING LAYOUT AND THE VALET SERVICE IS APPROVED.

3. The proposed development will comply with the regulations of the CCPDO, except for any proposed deviations which are appropriate for this location and will result in a more desirable project than would be achieved if designed in conformance with the strict regulations of the CCPDO; and

THE PROPOSED HOTEL AS DESIGNED WILL COMPLY WITH THE
REGULATIONS OF THE CCPDO, AND WITH GRANTING THE DEVIATION
WILL RESULT IN A MORE DESIREABLE PROJECT.

4. The proposed deviations will result in a development exhibiting superior architectural design.

THE INCORPORATION OF AN OVERHEAD DOOR WITH ARCHITECTURAL
GLASS WILL BE MORE DESIREABLE AND LESS OF AN EYE SORE THAN
AN OPEN GARAGE AND RAMP WITH A GATE.
T

PRINT

RECORDING REQUESTED BY:

Civic San Diego
Planning Department
401 B Street, Suite 400
San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Civic San Diego
Planning Department
401 B Street, Suite 400
San Diego, CA 92101

THIS SPACE FOR RECORDER'S USE ONLY

*NOTE: COUNTY RECORDER, PLEASE RECORD AS
RESTRICTION ON USE OR DEVELOPMENT OF
REAL PROPERTY AFFECTING THE TITLE TO OR
POSSESSION THEREOF*

**GASLAMP QUARTER PLANNED DISTRICT
GASLAMP QUARTER DEVELOPMENT PERMIT / PLANNED
DEVELOPMENT PERMIT / NEIGHBORHOOD DEVELOPMENT
PERMIT / NEIGHBORHOOD USE PERMIT
NO. 2013-35A**

**AC HOTEL AMENDMENT
ASSESSOR PARCEL NUMBER 535-093-17-00**

**GASLAMP QUARTER PLANNED DISTRICT
GASLAMP QUARTER DEVELOPMENT PERMIT / PLANNED
DEVELOPMENT PERMIT / NEIGHBORHOOD DEVELOPMENT PERMIT /
NEIGHBORHOOD USE PERMIT
NO. 2013-35A**

**AC HOTEL AMENDMENT
ASSESSOR PARCEL NUMBER 535-093-17-00**

This Gaslamp Quarter Development Permit / Planned Development Permit / Neighborhood Development Permit / Neighborhood Use Permit (GQDP/PDP/NDP/NUP) No. 2013-35A is granted by the City of San Diego (City) Planning Commission to Majestic Empire Holdings, LLC, Owner, and Briad Development East, LLC, Permittee, for construction of a full-service hotel development known as AC Hotel ("Project") on the 11,500 square foot ("sq.ft.") premises located on the east side of Fifth Avenue between F and G streets in the Gaslamp Quarter neighborhood of the Downtown Community Plan (DCP) area and within the Gaslamp Quarter Planned District (GQPD); and more particularly described as Lot C, the North half of Lot D, and Lot J except the South 10 feet, in Block 70 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to partition map thereof, on file in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner and/or Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type and location as follows and on the approved Basic Concept/Schematic Drawings and associated Color and Materials Boards dated December 7, 2015, on file at Civic San Diego ("CivicSD").

1. General

The Owner and/or Permittee shall construct, or cause to be constructed on the site, a development consisting of a 7-story (up to 75 feet tall) full-service hotel development located on a 11,500 square-foot premises located on the east side of Fifth Avenue between F and G streets in the Gaslamp Quarter. This Project is comprised of 147 hotel guest rooms and 44 valet parking spaces in one level of subterranean parking accessed via a vehicle elevator from Sixth Avenue through a historic building facade. This Project also includes a restaurant on the ground floor with sidewalk cafe and rooftop pool deck. The development shall not exceed a height of 75 feet above grade level, measured to the top of the parapet of the uppermost floor, with roof equipment enclosures, elevator penthouses, mechanical screening and architectural elements above this height permitted per the Gaslamp Quarter Planned District Ordinance (GQPDO).

2. PDP

The City Planning Commission hereby grants a PDP allowing deviations from the San Diego Municipal Code (SDMC) Parking Facilities Development and Design Regulations with valet parking for:

- a. SDMC 142.0555(b) Tandem Parking for Specified Commercial Uses – Permitting tandem parking spaces to meet the minimum required number of parking spaces for the hotel use rather than standard parking spaces.
- b. SDMC 142.0560(b) and Table 142-05K Minimum Parking Space Size – Permitting the proposed parking spaces to be less than the standard minimum size and dimensions of eight feet wide and eighteen feet long and for standard tandem parking spaces of eight feet wide and 36 feet long.
- c. SDMC 142.0560(c) and Table 142-05L Drive Aisle Width – Permitting a proposed drive aisle width of 18 feet with valet parking service where the minimum drive aisle width is 24 feet for two-way traffic.
- d. SDMC 142.0560 Parking in the Drive Aisles – Permitting parking of nine automobile and two motorcycle spaces via a valet parking service where parking in the required aisle is not permitted.

3. NDP

The City Planning Commission hereby grants a Neighborhood Development Permit (NDP) pursuant to SDMC Section 126.0402(j) for the construction of privately owned structures in the public right-of-way (“ROW”) dedicated for a street or an alley, where the applicant is the record owner of the underlying fee title. Such encroachments shall include a subterranean garage and transformer vault as permitted by the Uniform Building Code. All underlying fee title of the adjacent ROW (to the centerline of the adjacent streets) must be transferred to the Project Applicant prior to recordation of GQDP/PDP/NDP/NUP No. 2013-35A.

4. NUP

Sidewalk Cafe

The development shall include a sidewalk cafe encroaching into the Public Right-Of-Way (ROW) along Fifth Avenue. The intended uses must be in conformance with permitted uses outlined in the GQPDO and all other relevant regulations in the SDMC. Any proposed change in use or expansion shall be reviewed and approved by CivicSD prior to initiating such changes.

Conditions

- a. The sidewalk cafe shall be surrounded by a black wrought iron barrier not to exceed three feet in height as shown in the approved drawings. A clear path shall be maintained of no less than eight feet from the cafe barrier to the edge of any obstruction (including the edge of the tree grate). Any proposed change or expansion of the sidewalk cafe shall be reviewed by CivicSD to determine the appropriate process for approval.

- b. The sidewalk cafe may exist only in conjunction with the adjacent street level eating and drinking establishment at 743 Fifth Avenue. The sidewalk cafe shall only be used for dining, drinking, and circulation, and utilized by patrons during the hours allowed under this Permit. Any change in utilization and/or hours of operation shall be reviewed by CivicSD to determine the appropriate process for approval.
- c. The hours of operation for the sidewalk cafe shall be limited to no later than 12:00 a.m. (midnight) seven days a week.
- d. Smoking shall not be permitted within the sidewalk cafe at any time.
- e. The Owner and/or Permittee shall be responsible for maintaining the sidewalk within, and adjacent to, the sidewalk cafe enclosure clean and free of litter at all times.
- f. No live entertainment, musical instruments, or sound reproduction devices shall be allowed within the sidewalk cafe.
- g. The Owner and/or Permittee shall obtain and provide CivicSD with an approved copy of an Encroachment Maintenance and Removal Agreement (EMRA) and a Building Permit from the City of San Diego Development Services Department (DSD) prior to the installation of the sidewalk cafe.
- h. No tables, chairs, A-frame signs, or any other furnishings or decorative displays shall be located in the ROW in front of or adjacent to the sidewalk cafe.
- i. The sidewalk cafe shall meet all applicable disable-accessibility codes.
- j. No signs (including banners and/or pennants, and/or off-site advertising signs) are permitted on or within the sidewalk cafe.
- k. A point of contact from the Owner and/or Permittee shall be kept on file with CivicSD in case any complaints arise. Complaints shall be responded to by the Owner and/or Permittee within 48 hours.

5. Parking

The development includes 44 automobile parking spaces. A minimum of 44 parking spaces will be provided on-site within a valet parking garage located on the second level below grade. Access to the parking structure is provided via the driveway and car elevator on Sixth Avenue which will transport the vehicle to the enclosed parking structure for storage. The Applicant will operate parking through a valet service accessed from passenger loading zones on Fifth and Sixth avenues that will be available 24 hours for hotel guests. Any subterranean parking facilities encroaching into the ROW shall be located a minimum of six feet back from the face of curb to a depth of eight feet below sidewalk grade, measured to the outside of any shoring. An Encroachment Maintenance Agreement (EMA) shall be obtained from the City to allow any encroachment of the garage into the ROW.

PLANNING AND DESIGN REQUIREMENTS

6. Urban Design Standards

The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the GQPDO and Centre City Streetscape Manual. These standards, together with the following specific conditions, will be used as a basis for evaluating the development through all stages of the development process.

- a. Architectural Standards – The architecture of the development shall establish a high quality of design and complement the design and character of the Gaslamp Quarter neighborhood as shown in the approved Basic Concept/Schematic Drawings on file with CivicSD. The development shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
- b. Form and Scale – The development shall consist of a seven story hotel development (not exceeding an overall height of 75 feet tall) measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the GQPDO and the Federal Aviation Administration (FAA). All building elements shall be complementary in form, scale, and architectural style.
- c. Building Materials – All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within one inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard troweled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such a cornice line. All downspouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24 of the California Code of Regulations (“Title 24”).

All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the ROW. No substitutions of materials or colors shall be permitted without the prior written consent of the CivicSD. A final materials board which illustrates the location, color, quality, and texture of proposed exterior materials shall be submitted with 100% Construction Drawings and shall be consistent with the materials board approved with the Basic Concept/Schematic Drawings.

- d. Street Level Design – Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure. Exit corridors including garage/motor-court entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet. The garage door shall provide an upgraded architectural design and/or finish.

All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and surfaces shall be logically composed and placed to minimize their visibility, while meeting code requirements. All soffit materials shall be high quality and consistent with adjacent elevation materials (no stucco or other inconsistent material), and incorporate drip edges and other details to minimize staining and ensure long-term durability.

- e. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the ROW and adjoining developments, except for utilities required to be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per SDMC sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building/garage area and shall be kept clean and orderly at all times.
- f. Mail and Delivery Locations – It is the Owner's and/or Permittee's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal and loading use. The Owner and/or Permittee shall locate all mailboxes and parcel lockers outside of the ROW, either within the building or recessed into a building wall. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall.
- g. Access – Vehicular access to the development's parking shall be limited to one driveway on Sixth Avenue with a curb cut not to exceed 12 feet in width.
- h. Circulation and Parking – The Owner and/or Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights to the satisfaction of CivicSD. Such plan shall be submitted in conjunction with construction permits.

All subterranean parking shall meet the requirements of the Building Department, Fire Department and City Engineer. All parking shall be mechanically ventilated. The exhaust system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on guest rooms, adjoining properties, and the ROW according to applicable building codes.

- i. Open Space and Development Amenities – A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups to the satisfaction of CivicSD shall be submitted in conjunction with construction permits.

- j. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted to the satisfaction of CivicSD with 100% Construction Drawings. Any roof-top mechanical equipment shall be grouped, enclosed, and screened from surrounding views (including views from above)..
- k. Signage – All signs shall comply with the City Sign Regulations and the GQPDO.
- l. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. Owner and/or Permittee shall provide evidence of compliance at 100% Construction Drawings.
- m. Street Address – Building address numbers shall be provided that are visible and legible from the ROW.

7. On-Site Improvements

All off-site and on-site improvements shall be designed as part of an integral site development. An on-site improvement plan shall be submitted to the satisfaction of CivicSD with the construction permit drawings.

PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS

8. Off-Site Improvements

The following public improvements shall be installed in accordance with the Centre City Streetscape Manual (CCSM). The CCSM is currently being updated and the Owner and/or Permittee shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

Off-Site Improvements	Fifth Avenue	Sixth Avenue
Paving	Gaslamp Quarter Paving Standard	Gaslamp Quarter Paving Standard
Street Trees	Bradford Pear	Bradford Pear
Street Lights	Gaslamp Light Standard	Gaslamp Light Standard

- a. Street Trees – Street tree selections shall be made according to the CCSM. All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCSM, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water service from the subject development.

No trees shall be removed prior to obtaining a Tree Removal Permit from DSD per City Council Policy 200-05

- b. Street Lights – All existing lights shall be evaluated to determine if they meet current CivicSD and City requirements, and shall be modified or replaced if necessary.
- c. Sidewalk Paving – Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement (EMRA) with the City at the time of construction permit issuance.
- d. Litter Containers – The development shall provide a minimum of two litter receptacles (one per street frontage) and shall be located as specified in the CCSM.
- e. Landscaping – All required landscaping shall be maintained in a disease, weed and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the CivicSD within 30 days of damage or Certificate of Occupancy, whichever occurs first.
- f. Planters – Planters shall be permitted to encroach into the ROW a maximum of two feet for sidewalk areas measuring at least twelve feet and less than fourteen feet in width. For sidewalk areas fourteen feet or wider, the maximum permitted planter encroachment shall be three feet. The planter encroachment shall be measured from the property line to the face of the curb to the wall surrounding the planter. A minimum six foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the ROW.
- g. On-Street Parking – The Owner and/or Permittee shall maximize the on-street parking wherever feasible.
- h. Public Utilities – The Owner and/or Permittee shall be responsible for the connection of on-site sewer, water and storm drain systems from the development to the City utilities located in the ROW. Sewer, water, and roof drain laterals shall be connected to the appropriate utility mains within the street and beneath the sidewalk. The Owner and/or Permittee may use existing laterals if acceptable to the City, and if not, Owner and/or Permittee shall cut and plug existing laterals at such places and in the manner required by the City, and install new laterals. Private sewer laterals require an EMA.

If it is determined by the City Engineer or CivicSD that existing water and sewer services are not of adequate size to serve the proposed development, the Owner and/or Permittee will be required to abandon any unused water and sewer services and install new services and meters. Service abandonments require an engineering permit and must be shown on a public improvement plan. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of City's Water and Sewer Facility Design Guidelines and City regulations standards and practices pertaining thereto.

Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. If and when the Owner and/or Permittee submits for a tentative map or tentative map waiver, the Water Department will require Covenants, Conditions, and Restrictions ("CC&Rs") to address the operation and maintenance of the private on-site water system serving the development. No structures or landscaping of any kind shall be installed within ten feet of water facilities.

All roof drainage and sump drainage, if any, shall be connected to the storm drain system in the public street, or if no system exists, to the street gutters through sidewalk underdrains. Such underdrains shall be approved through an Encroachment Removal Agreement with the City. The Owner and/or Permittee shall comply with the City's Storm Water Management and Discharge Control Ordinance and the storm water pollution prevention requirements of Chapter 14, Article 2, Division 1 and Chapter 14, Article 2, Division 2 of the SDMC.

- i. Franchise Public Utilities – The Owner and/or Permittee shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the development and all extensions of those utilities in public streets. Existing franchise utilities located above grade serving the property and in the sidewalk ROW shall be removed and incorporated into the adjoining development. All franchise utilities shall be installed as identified in the Basic Concept Drawings. Any above grade devices shall be screened from view from the ROW
- j. Fire Hydrants – If required through the construction permit review, the Owner and/or Permittee shall install fire hydrants at locations satisfactory to the City's Fire Department and DSD.
- k. Water Meters and Backflow Preventers – The Owner and/or Permittee shall locate all water meters and backflow preventers in locations satisfactory to the Public Utilities Department and CivicSD. Backflow preventers shall be located outside of the ROW adjacent to the development's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area. The devices shall be screened from view from the ROW. All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City's Engineering, Public Utilities, and Building Inspection Departments and shall be subject to their review and approval. Improvements shall meet the requirements of Title 24.

9. Storm Water Compliance

- a. Prior to issuance of any construction permit, the Owner and/or Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
- b. Prior to the issuance of any Construction Permit, the Owner and/or Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
- c. Prior to issuance of any construction permits, the Owner and/or Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
- d. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

10. Removal and/or Remedy of Soil and/or Water Contamination

- a. The Owner and/or Permittee shall (at its own cost and expense) remove and/or otherwise remedy as provided by law and implementing rules and regulations, and as required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the site. Such work may include without limitation the following:
 - i. Remove (and dispose of) and/or treat any contaminated soil and/or water on the site (and encountered during installation of improvements in the adjacent ROW which the Owner and/or Permittee is to install) as necessary to comply with applicable governmental standards and requirements.
 - ii. Design construct all improvements on the site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other form, and/or from the direct and indirect effects thereof.
 - iii. Prepare a site safety plan and submit it to the appropriate governmental agency, CivicSD, and other authorities for approval in connection with obtaining a building permit for the construction of improvements on the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
 - iv. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other

approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.

- v. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval by the appropriate governmental authorities.

STANDARD REQUIREMENTS

11. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP)

As required by CCPDO Section 156.0304(h), the development shall comply with all applicable Mitigation Monitoring and Reporting Program (MMRP) measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP

12. Development Impact Fees

The development will be subject to Centre City Development Impact Fees. The fee shall be determined in accordance with the fee schedule in effect at the time of building permit issuance. The Owner and/or Permittee shall provide to the City's Facilities Financing Department the following information at the time of application for building permit plan check: 1) total square footage for commercial lease spaces and all areas within the building dedicated to support those commercial spaces including, but not limited to: loading areas, service areas and corridors, utility rooms, and commercial parking areas; and 2) applicable floor plans showing those areas outlined for verification. In addition, it shall be responsibility of the Owner and/or Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed. Development Impact Fees shall be calculated in accordance with fee schedule in effect at the time of building permit issuance, and in accordance with the SDMC.

13. Inclusionary Affordable Housing Ordinance

As required by SDMC Chapter 14, Article 2, Division 13, the development shall comply with all applicable regulations of City's Inclusionary Housing Ordinance. The Owner and/or Permittee shall provide documentation of such compliance to CivicSD prior to issuance of any Building Permits.

14. Construction Fence

Owner and/or Permittee shall install a construction fence pursuant to specifications of, and a permit from, the City Engineer. The fence shall be solid plywood with wood framing, painted a consistent color with the development's design, and shall contain a pedestrian passageway, signs, and lighting as required by the City Engineer. The fencing shall be maintained in good condition and free of graffiti at all times.

15. Development Identification Signs

Prior to commencement of construction on the site, the Owner and/or Permittee shall prepare and install, at its cost and expense, one sign on the barricade around the site which identifies the development. The sign shall be at least four feet by six feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include:

- Color rendering of the development
- Development name
- Developer
- Completion Date
- For information call _____

Additional development signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 sq.ft. per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to the CivicSD for approval prior to installation.

16. Tentative Map

The Owner and/or Permittee shall be responsible for obtaining all map approvals required by the City prior to any future conversion of the commercial spaces to condominium units for individual sale.

17. 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.
18. 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.
19. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
20. 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.).
21. 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 and/or Permittee and any successor(s) in interest.

22. This development shall comply with the standards, policies, and requirements in effect at the time of approval of this development, including any successor(s) or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City.
23. No permit for construction, operation, or occupancy of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until this Permit is recorded in the Office of the San Diego County Recorder.
24. 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.
25. 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.
26. The Owner/Permittee shall defend, indemnify, and hold harmless CivicSD and the City (collectively referred to as "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.
27. 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" conditions(s) back to the discretionary body which approved the Permit

AC HOTEL AMENDMENT
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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 there.

This GQDP/PDP/NDP/NUP No. 2013-35A is granted by City of San Diego Planning Commission on February 25, 2016.

CIVIC SAN DIEGO:

OWNER:

Aaron Hollister
Senior Planner

Jim Ardizzone
Majestic Empire Holdings, LLC

PERMITTEE:

Jim Ardizzone	Date
Briad Development East, LLC	

PLANNING COMMISSION RESOLUTION NO. PC-XXXX
GASLAMP QUARTER DEVELOPMENT PERMIT / PLANNED DEVELOPMENT
PERMIT / NEIGHBORHOOD DEVELOPMENT PERMIT / NEIGHBORHOOD USE
PERMIT
NO. 2013-35A

WHEREAS, Majestic Empire Holdings, LLC, Owner, and Briad Development East, LLC, Permittee, filed an application with Civic San Diego (“CivicSD”) for Gaslamp Quarter Development Permit / Planned Development Permit / Neighborhood Development Permit / Neighborhood Use Permit (GQDP/PDP/NDP/NUP) No. 2013-35A to allow the construction of a full-service hotel comprised of 147 guest rooms, approximately 2,370 square feet (“sq.ft.”) of commercial restaurant space on the ground level facing Fifth Avenue, a roof-top pool deck, a sidewalk cafe, and 44 valet parking spaces, known as AC Hotel (“Project”);

WHEREAS, the Project site is located on a 11,500 sq.ft. premises located on the east side of Fifth Avenue between F and G streets in the Gaslamp Quarter neighborhood of the Downtown Community Plan (DCP) area and within the Gaslamp Quarter Planned District (GQPD);

WHEREAS, the site is legally described as Lot C, the North half of Lot D, and Lot J except the South 10 feet, in Block 70 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to partition map thereof, on file in the Office of the County Recorder of San Diego County;

WHEREAS, on February 25, 2016, the City of San Diego Planning Commission considered GQDP/PDP/NDP/NUP No. 2013-35A, including a staff report and recommendation, and public testimony, pursuant to the Gaslamp Quarter Planned District Ordinance (GQPDO) and the San Diego Municipal Code (SDMC) of the City of San Diego;

WHEREAS, Development within the DCP area is covered under the Final Environmental Impact Report (FEIR) for the San Diego DCP, CCPDO, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively) and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115). The FEIR is a “Program EIR” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. Consistent with best practices suggested by Section 15168, an FEIR Consistency Evaluation has been completed for the project. The Evaluation concluded that the environmental impacts of the project were adequately addressed in the FEIR, the project is within the scope of the development program described in the FEIR, and that none of the conditions listed in Section 15162 exist; therefore, no further environmental documentation is required under CEQA.

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

The Planning Commission adopts the following written findings dated February 25, 2016.

FINDINGS

GASLAMP QUARTER DEVELOPMENT PERMIT FINDINGS

- 1. The proposed development is consistent with the GQPDO, Centre City Redevelopment Plan, DCP, GQPD Guidelines, the San Diego Municipal Code (SDMC), and all other adopted plans and policies of the City of San Diego pertaining to the GQPD.*

The proposed development is consistent with the GQPDO, Centre City Redevelopment Plan, DCP, Gaslamp Quarter Planned District Guidelines, the San Diego Municipal Code (SDMC), and all other adopted plans and policies of the City of San Diego pertaining to the GQPD as the development advances the goals and objectives of the DCP and GQPDO by:

- Providing for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services
- Fostering a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them
- Promoting sustainable development and design downtown
- Maintaining building volume standards that allow sunlight to reach streets and public spaces
- Maintaining the Gaslamp Quarter as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal
- Protecting historic resources to communicate downtown's heritage
- Encouraging the rehabilitation and reuse of historical resources

In addition, with approval of GQDP/PDP/NDP/NUP No. 2013-35A, this Project will be consistent with the requirements of the SDMC and GQPDO.

PLANNED DEVELOPMENT PERMIT FINDINGS

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

The proposed Project is consistent with the objectives of the DCP, GQPDO, and the Design Guidelines in that the Project provides a balance of uses appropriate for the Gaslamp Quarter, including employment and destination with amenities and services to residents and guests; and maintain the Gaslamp Quarter as an entertainment district with a broad mix of uses, high activity, and wide-ranging appeal. The requested parking standards deviations from restrictions on tandem parking, minimum parking space size, minimum drive aisle width, and prohibiting parking in drive aisles will provide relief from the strict application of the development standards in order to permit the efficient use of professionally managed valet parking serving the visiting hotel guests on a narrow site that otherwise would not be able to provide parking conforming to the applicable regulations. The requested deviations meet the intent of the regulations when all guest parking is provided through valet service where there would be no anticipated negative effect on guests and only a negligible impact on the surrounding neighborhood by providing appropriate curbside passenger loading zones.

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

The granting of the deviations and approval of the Project will not negatively impact the public health, safety, and general welfare by providing the required number of parking spaces onsite and off of the Public Right-Of-Way. Utilizing an automobile lift concealed behind a lift door manufactured to emulate the historical window pattern of the facade is the most efficient use of limited space on a narrow lot and more appropriately conceals the parking function of the Project in the Gaslamp Quarter than a traditional parking garage entrance. Overall, the proposed development is consistent with the plans for this neighborhood and will contribute to its vitality by providing an attractive development and enhanced pedestrian experience on both street frontages.

3. *The proposed development will comply with the regulations of the San Diego Municipal 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 San Diego Municipal Code.*

The proposed development will meet all of the requirements of the SDMC and GQPDO with approval of the parking regulation deviations, which are allowable under a PDP. The deviations only affect the internal operations of the hotel and will not directly affect the public. These deviations permit the hotel use on this relatively small site would otherwise not be feasible with strict compliance to the parking standards of the SDMC. With approval of the PDP, the Project will comply to the maximum extent feasible with all applicable regulations and be a more desirable development than if designed in strict conformance with these specific development regulations.

NEIGHBORHOOD DEVELOPMENT PERMIT

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

Subterranean encroachments into the ROW are anticipated in the GQPDO to support private development to achieve the goals of the DCP. The proposed subterranean garage and transformer vault encroachments would not prohibit installation of required street trees or otherwise impact the Project's ability to comply with other development standards. Without any at- or above-grade impacts, the subterranean garage encroachment will not adversely affect the DCP but in fact will help achieve its goals identified under GQDP findings. The goals and policies of the DCP encourage an overall balance of uses as well as a full compendium of amenities and services. The encroachments would support development of new a hotel project that would enhance the commercial balance of uses in the area and would further the Gaslamp Quarter as a destination neighborhood. The encroachments would also allow the Project to maintain the Gaslamp Quarter as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal.

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

Compliance with California Building Code regulations and City Council Policy 700-18 for subterranean encroachments into the ROW will be required to ensure such encroachments are not detrimental to the health, safety, and welfare of the public. Review of full compliance with these regulations shall occur during the construction permit review.

3. *The proposed development will comply with the applicable regulations of the SDMC including any allowable deviations pursuant to the SDMC.*

The SDMC stipulates that a Neighborhood Development Permit is required for construction of a privately owned structure in the ROW dedicated for a street or an alley, where the applicant is the record owner of the underlying fee title. The Project Applicant is currently the record owner of the underlying fee title of the entire existing ROW where the encroaching subterranean garage is proposed.

NEIGHBORHOOD USE PERMIT FINDINGS

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

The proposed sidewalk cafe will be located along the Fifth Avenue frontage of the proposed hotel and will be proposed in conjunction with the proposed ground-floor restaurant. The outdoor use area will be open to both hotel guests and the general public. Outdoor use areas associated with eating and drinking establishments are an allowed use in the GQPD.

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

The proposed uses will not be detrimental to the public health, safety, and welfare provided the Owner and Permittee adheres to the standard and Project-specific conditions of approval including, but not limited to, conditions related to hours of operations, activity restrictions, and sound and security measures to ensure that the use is compatible with the surrounding neighborhood.

3. *The proposed use or development will comply to the maximum extent feasible with the regulations of the San Diego Municipal Code (SDMC).*

The proposed uses are permitted uses in the GQPDO and SDMC with approval of a NUP, and will comply to the maximum extent feasible with the regulations of SDMC and the GQPDO with approval of a NUP.

BE IT FURTHER RESOLVED that, based on the findings, hereinbefore adopted by the Planning Commission, GQDP/PDP/NDP/NUP No. 2013-35A is hereby **GRANTED** by the Planning Commission to the referenced Owner and Permittee, in the form, exhibits, terms and

conditions set forth in the GQDP/PDP/NDP/NUP No. 2013-35A, a copy of which is attached hereto and made part hereof.

Aaron Hollister
Senior Planner
Civic San Diego

Date

Adopted on: February 25, 2016

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