

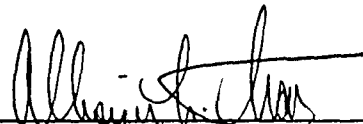
RESOLUTION NUMBER R-281246

ADOPTED ON DECEMBER 8, 1992

BE IT RESOLVED, by the Council of The City of San Diego, that the Council, pursuant to the provisions of Municipal Code section 103.0407 A.2.g., hereby approves a height exception of up to 125 feet for a multi-use project of 230,000 square feet known as "Live from Xanadu" proposed for the block bounded by Fifth and Sixth Avenues and J and K Streets in the Gaslamp Quarter Historic District, with a condition that the project conform to the maximum floor area ratio, set back and other requirements in said Section 103.0407 A.2.g. and further set out in Exhibit A, Conditions of Approval, which is attached hereto and incorporated herein.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

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EXHIBIT A
CONDITIONS OF APPROVAL
BASIC CONCEPT/SCHEMATIC DRAWINGS
Live From Xanadu

1. General

The Developer shall construct, or cause to be constructed on the Site, a mixed-use development which shall contain approximately 229,665 gross square feet of entertainment, retail, and restaurant use. The development shall also include parking facilities to accommodate no less than 431 vehicles on the Site. The total floor area ratio of the development for all uses above ground shall not exceed a floor area ratio of approximately 4.59 and a height of 125 feet.

2. Refinements

The following refinements to the design of the structure shall be submitted by the Developer prior to the Design and Development stage:

- a. A redesign of the radio tower shall be submitted to Centre City Development Corporation (CCDC). Such redesign shall address the architectural quality of the tower, as well as the City's Light Pollution Ordinance related to the proposed lighting, and the location of the satellite antennae for conformance with the City's satellite design standards.
- b. The project shall provide pedestrian entrances to activity areas on each street frontage at no less than 75 foot intervals.

3. Design and Development and 100% Construction Drawings

The Developer shall submit for approval to CCDC Design and Development and 100% Construction Drawings which implement the design intent of the Basic Concept/Schematic Drawings and which incorporate appropriate revisions as stated herein.

4. Urban Design Standards

The proposed development, including its architectural design concepts, landscape features and off-site improvements, shall be subject to design review by CCDC and the City Council/Redevelopment Agency in accordance with adopted procedures. The Developer shall conform to the Redevelopment

Plan for the Gaslamp Quarter Sub Area and the 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 design review process.

a. Architectural Standards

The architecture of the development shall establish a high quality of design and complement the design and character of adjacent buildings. Additionally, the following architectural details shall be provided:

- 1) Windows shall be provided on the interior passage between Fifth and Sixth avenues.
- 2) A mosaic or surface work of art shall be provided in the interior passage area. Both the interior and exterior staircases shall also have a sculptural quality and color accent.
- 3) Any large, windowless expanse of wall area shall be architecturally detailed or enhanced. This may include the use of expansion joints and color treatment.
- 4) Exhibits in the display windows on Sixth Avenue shall be replaced no less than once a month. Such display windows shall have a minimum depth of sixteen (16) inches.
- 5) The interior passageway between Fifth and Sixth avenues shall be accessible 24 hours. Appropriate security shall be provided for this area.

b. Building Materials

Building materials including masonry, stone, stucco, or composition which humanize the structure shall be used as contrasted to large areas of glazing and reflective surfaces. Reflectivity of the glass shall be the minimum reflectivity required by Title 24.

A materials board which illustrates the location, color, quality and texture of proposed exterior materials including awnings and on- and off-site paving materials shall be submitted with Design and Development Drawings.

c. Street Level Design

Street level windows shall be clear glass and may be lightly tinted. Blank facades shall not exceed thirty

(30') feet in width and shall be enhanced by architectural detailing, artwork, landscaping or other similar features which have visual interest.

Architectural features such as recessed storefronts, colorful awnings, bay windows, or other design features which add human scale to the streetscape, are encouraged where they are consistent with the design theme of the structure.

The developer shall enter into an agreement with CCDC to review the conversion of the street level garage of Sixth Avenue and "J" Street to active retail use no later than five (5) years from the approval of the project. Such agreement shall be executed concurrent with the submission of the Design and Development Drawings.

d. Access

Vehicular access to the Site shall be limited to "J" Street and Sixth Avenue. The location of such access is subject to the recommendations of the City Traffic Engineer and the City Fire Department. No vehicular access shall be permitted from Fifth Avenue or "K" Street.

Curb cuts shall be perpendicular to the street. Curb cuts shall not exceed 40 feet in width and shall not be located closer than 80 feet together.

Utilitarian areas housing trash, storage, or other utility services shall be located in the garage or otherwise concealed from view of the public right-of-way.

e. Circulation and Parking

Subterranean parking shall meet the requirements of the Building Inspection Department, Fire Department and City Engineer. All subterranean parking which encroaches into the adjoining street right-of-way shall be subject to a standard City Engineer Encroachment Removal Agreement. Such subterranean parking shall not encroach to within five (5') feet of the curblin. All above-grade parking shall be architecturally integrated into the proposed structure and shall be screened to hide the view of vehicles and to shield adjoining development from light and glare and to screen the view of appurtenances within the garage. Additionally, a finished material, such as brick, shall be used to surround the garage staircase from the first floor to the roof level.

The Developer shall comply with the City of San Diego Transportation Demand Management Ordinance.

The Developer shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights. Such plan shall be submitted in conjunction with Design and Development Drawings.

f. Open Space/Project Amenities

A landscape plan that illustrates the relationship of the proposed on- and off-site improvements and the location of water hookups shall be submitted with Design and Development and 100% Construction Drawings.

g. Roof Tops

A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with Design and Development and 100% Construction Drawings.

h. Signing

A comprehensive sign plan prepared in accordance with Municipal Code and standards contained in the Gaslamp Quarter Planned District Ordinance shall be prepared and submitted in conjunction with submittal of Design and Development Drawings. In the event that more comprehensive signing legislation is adopted for Centre City prior to the approval of the 100% Construction Drawings, the project shall comply with such legislation.

i. Lighting

A lighting plan which highlights the architectural qualities of the proposed project and also enhances the lighting of the public right-of-way shall be submitted with Design and Development and 100% Construction Drawings. The Developer shall consult with CCDC to obtain necessary specifications for Gaslamp Quarter light standards. On-site lighting shall meet appropriate requirements for compliance with light pollution regulations.

j. Noise Control

All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City of San Diego Noise Ordinance and California Noise Insulation Standards as set forth in Title 24 of the California Code of Regulations. All

mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Developer shall provide evidence of compliance with the Noise Ordinance at 100% Construction Drawings.

k. Energy Considerations

The design of the improvements shall include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design. The Developer shall demonstrate consideration of such energy features during the review of the Design and Development Drawings.

5. 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 at the Design Development stage.

a. Paving

Paving within any setback area on private property shall complement the design and quality of the paving within the public right-of-way.

b. Landscape

The on-site landscaping shall establish a high quality of design and be sensitive to landscape materials and design planned for the adjoining public rights-of-way. Landscaping shall be incorporated into terraces and flat roof surfaces at all levels.

6. Off-Site Improvements

All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City of San Diego, Planning, Engineering and Building Inspection Departments and shall be subject to their review and approval. Improvements shall meet the requirements of Title 24 of the State Building Code.

Off-site improvement drawings (D sheets), including dimensional plans for all street frontages which illustrate proposed paving, street trees, lighting fixtures shall be submitted with Design and Development Drawings. Such off-site plan shall be coordinated to complement and be comparable in quality to the adjoining on-site and off-site plazas, open space and sidewalk materials.

a. Sidewalk and Streetscape Improvements

Special upgraded sidewalks, utilizing brick, exposed aggregate or other decorative material may be required through the design review process of the Agency or CCDC. Paving type shall be as specified in the Streetscape Design Manual or successor document.

Street landscaping shall be provided, including trees in the ground and protected by decorative grates which conform with the requirements of Title 24 of the California State Law and as specified in the Streetscape Design Manual.

An automatic irrigation system shall be provided to all street trees in the public right-of-way and shall be connected to private water service.

Ornamental street lighting, street furnishings and accessories such as kiosks, signs, benches and a minimum of six (6) trash receptacles shall be provided as required by the Centre City Streetscape Manual. All street trees shall be at least 36-inch box in size at the time of planting.

The following specific recommendations are contained in the 1992 Centre City Streetscape Manual:

<u>Street</u>	<u>Street Tree</u>	<u>Street Light</u>	<u>Sidewalk</u>
Fifth Avenue	Evergreen Pear	Gaslamp Light	Gateway
"J" Street	Evergreen Pear	Gaslamp Light	Gateway
Sixth Avenue	Evergreen Pear	Gaslamp Light	Gateway
"K" Street	Evergreen Pear	Gaslamp Light	Gateway

b. City Utilities (sewer, water and storm drain)

The Developer shall upgrade all nonfranchise City Utilities as required by the Water Utilities and City Engineering Departments as necessary to serve the proposed development.

The Developer 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 public right-of-way.

Sewer, water and roof drain laterals shall be connected to the appropriate utility mains within the street and beneath the sidewalk. The Developer may use existing laterals if acceptable to the City, and if not, Developer shall cut and plug existing laterals at such places and

in the manner required by the City, and install new laterals.

All roof drainage and sump drainage shall be connected to the storm drain system in the public street. The Developer shall provide catch basin(s) as required by the City Engineering Department on "J" and "K" streets and Fifth and Sixth avenues and storm drain pipes sufficient to tie catch basin(s) to this system.

Fire hydrants shall be provided pursuant to the requirements of the Fire and Water Utilities Departments.

Type "G" curb and gutter with catch basins adequate to meet anticipated drainage requirements shall be provided as required by the City Engineering Department.

The Developer shall submit a plan which illustrates installation or relocation of sewers, drains, water, gas and electrical distribution lines within the project as well as the connection of these utilities to public and/or franchised infrastructure adjoining the site at the Design and Development stage.

c. Franchise Public Utilities

The Developer shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the project and all extensions of those utilities in public streets.

Existing franchised utilities located above grade and in the sidewalk right-of-way shall be removed and incorporated into the adjoining development.

Electrical transformer vaults shall be installed in a subterranean location accessible to the franchise utility from the public right-of-way. Covers to utility vaults located in the public right-of-way shall be designed as a pan which allows the lid to be infilled with the same paving materials used in the adjoining right-of-way.

7. Site Preparation

The Developer, at its cost and expense, shall prepare the Site for development. Such Site preparation shall consist of the following:

- a. Complete demolition and removal to the surface elevation of the adjoining ground of all existing buildings, other structures and improvements including the removal of all

bricks, lumber, pipes, equipment and other material and all debris and rubbish resulting from such demolition.

- b. Complete removal of all subsurface improvements, foundations, walls, slabs, basements, tanks and abandoned utilities as necessary to construct the project.
- c. Disconnection, capping and removal of utility lines, installations, facilities and related equipment within or on the Site.
- d. Removal of all paving (including catch basins, curbs, gutters, drives and sidewalks) within or on the Site and within the adjacent public right-of-way to the back edge of the curb.

All of items (a) through (d) inclusive shall be performed in accordance with City requirements.

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

The Developer 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:

- a. Remove (and dispose of) and/or treat any contaminated soil and/or water on the Site (and adjacent public rights-of-way which the Developer is required to improve) as necessary to comply with applicable governmental standards and requirements.
- b. Design and 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.
- c. Prepare a site safety plan and submit it to the appropriate governmental, CCDC 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.

- d. 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.

9. Environmental Impact Mitigation and Archaeological Protection

The Developer shall implement mitigation measures and/or mitigation monitoring requirements as identified in the Environmental Impact Secondary Study for the Live From Xanadu project prior to the issuance of a building permit.

10. Airport Approach Overlay Zone Requirements

- a. The Developer shall comply with procedures established by the City of San Diego Airport Approach Overlay Zone (and any successor or amendment thereto) for structures which exceed 30 feet in height, and shall be required to obtain and submit to the Agency and City a Federal Aviation Administration (FAA) Determination of No Hazard To Air Navigation prior to issuance of a building permit.

11. Centre City Assessment Districts

Developer shall agree to participate in the formation of one or more assessment districts or other similar financing mechanisms. Such district(s) shall be for the purpose of providing or maintaining landscape enhancement, park, open space or similar improvements in the downtown area of the City of San Diego. The Developer reserves the right to be heard and present evidence regarding the amount of any assessment payment proposed to be levied on the Developer.

Notwithstanding any Provisions to the contrary hereinabove, Developer does not waive any legal right as may exist at law or in equity, whether established by statute or otherwise, to appear and/or protest the mechanism for, the fairness of, or the amount of, any fee, tax, levy, assessment or exaction proposed to be imposed upon Developer's development of the Site, or any portion thereof.

12. Model

On or before submission of Design and Development Drawings to the Agency, the Developer shall provide a one (1) inch to fifty (50) foot scale block building model which illustrates the true scale of the buildings on the Site based on the building facade and the floor plate of the structure from the ground floor to and including the rooftop. Landscaping at the

ground level, intermediate level terraces and at the roof level shall also be shown. Architectural detail such as windows, doors and balconies shall not be shown. The model shall be painted white and be compatible with the model of downtown on display at the Centre City Development Corporation's Downtown Information Center. Upon acceptance by the Agency, the model shall be installed by the Developer or his designated representative on the model of downtown, and the model shall become the property of the Centre City Development Corporation for its use.

13. Construction Fence

Developer shall install a construction fence pursuant to specifications of, and a permit from, the City Engineer. The fence shall be solid plywood, painted in keeping with the project's design theme, and shall contain a pedestrian passageway, signs and lighting, if required by the City Engineer. The construction fence shall be maintained free of litter and in good repair for the duration of its installation.

14. Development Identification Signs

Prior to commencement of construction on the Site, the Developer shall prepare and install, at its cost and expense, two signs on the barricades around the Site which identify the development. Each sign shall be at least four (4) feet by six (6) feet and be visible to passing pedestrian and vehicular traffic. The design of all signs as well as their proposed location shall be submitted to the Agency for review and approval prior to installation. All signs shall at a minimum include:

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

34374

DEC 08 1992

Passed and adopted by the Council of The City of San Diego on
by the following vote:

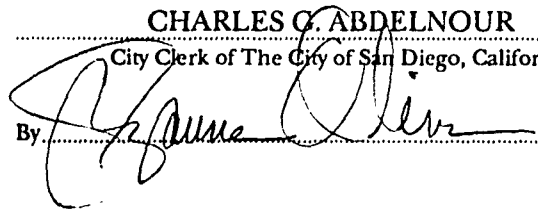
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
.....
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
.....
City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution R-381246
Number Adopted DEC 08 1992