

RESOLUTION NUMBER R- 285081

ADOPTED ON DEC 06 1994

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO MAKING CERTAIN FINDINGS WITH RESPECT TO THE PAYMENTS FOR THE SIDEWALK IMPROVEMENTS ON BEECH STREET, PACIFIC HIGHWAY AND CALIFORNIA STREET IN THE LITTLE ITALY REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of The City of San Diego, (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (the "Project"); and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency proposes to pay for all or part of the cost of the installation and construction of certain sidewalk improvements to benefit the Project area and its immediate neighborhood; and

WHEREAS, Centre City Development Corporation (the "Corporation") has reviewed and recommends that the Council of The City of San Diego (the "Council") consent to and the Agency authorize the Corporation to bid and construct the sidewalk improvements; and

WHEREAS, the Council has duly considered all conditions of the proposed payment for improvements and believes that the payment by the Agency of all or part of the cost of the

installation and construction of the sidewalk improvements by the Agency are in the best interest of the City and health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

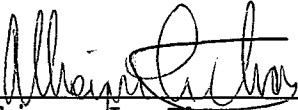
1. That the Council hereby finds and determines that the sidewalk improvements on Beech Street, Pacific Highway and California Street for which the Agency proposes to pay are of benefit to the Centre City Redevelopment Project, that the Council hereby finds and determines that no other reasonable means for financing the proposed improvements for which the Agency proposes to pay are available to the community, that the Council hereby finds and determines that proposed improvements will assist in eliminating one or more blighting condition inside the Project area, all as described in Exhibit A.

2. That the Council hereby finds and determines that the sidewalk improvements on Beech Street, Pacific Highway and California Street are consistent with the Implementation Plan adopted for the Project by the Agency on June 21, 1994, as Document No. 2141, pursuant to California Health and Safety Code section 33490, as described in Exhibit C.

3. That the Council hereby consents to the payment by the Agency for all or part of the cost of the sidewalk improvements identified above.

4. That the Council hereby authorizes the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc:pev
11/15/94
Or.Dept:CCDC
Aud.Cert:N/A
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EXHIBIT A

FINDINGS

SUBJECT IMPROVEMENTS:

CONSTRUCTION OF CURB, GUTTER AND SIDEWALK IMPROVEMENTS ON BEECH STREET AND PACIFIC HIGHWAY

I. FINDINGS OF BENEFIT

The subject improvements for which the Agency proposes to pay, will benefit the Centre City Redevelopment Project area or the immediate neighborhood in which the Project area is located in that:

- A. The improvement is within the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project, adjacent to other commercial buildings.
- B. No sidewalk improvements have been completed along Beech Street and Pacific Highway. The improvements will enhance the area for the benefit of the nearby users.
- C. The installation of the improvements will remove physical obstructions and correct adverse health and safety conditions.
- D. The new curb and gutter will direct the flow of surface runoff from private and public space.
- E. The sidewalk improvements will act as a catalyst providing an incentive for private investment in the area.

II. NO OTHER REASONABLE MEANS OF FINANCING

There are no other reasonable means available to the community for financing the subject improvements for which the Agency proposes to pay in that:

City of San Diego

- A. For the Fiscal Year 1994 and 1995 budgets, the City of San Diego has made, and will make, a number of budgetary reductions in order to finance immediate operating and capital needs. A number of capital projects remain unfunded due to the limited funds.
- B. The City's capital improvement budget is funded primarily with developer's proceeds, enterprise funds revenues, Facility Benefit Assessment funds, and Transnet funds. The Fiscal Year 1995 Capital Improvement Program Budget decreased 10.4% from the Fiscal Year 1994 Budget.

- C. It is anticipated that Fiscal Year 1995 will be the fifth consecutive year that revenues reflect little or no growth. Included in the Fiscal Year 1995 budget are a number of one-time revenues that have enabled the City to delay further expenditure reductions.
- D. The City's Fiscal Year 1994-95 Capital Improvements Budget (CIP) is embodied in Volume's IV and V of the City's Budget adopted on July 26, 1994. The Redevelopment Agency's Fiscal Year 1994-95 Program Budgets were adopted on June 21, 1994. The CIP and the Agency's Budget were developed in accordance with City and Council Policy and each project activity was evaluated and incorporated in the respective budgets. Projects are funded based on need and the availability of appropriate funding sources. Of the City's total \$474 million CIP Budget, only \$1.5 million of funds are discretionary for funding projects such as the proposed public improvements.
- E. Enhancing public safety and maintaining the levels of service to the public have been the City's highest priorities during the recession. To meet these priorities and offset the revenue losses over the past four years, expenditure reductions have been made in two primary areas:
1. Management, Professional, Supervisory and Administrative Support Positions - Since Fiscal Year 1992, 554 positions in these categories have been reduced from the budget in an effort to downsize and streamline the organization.
 2. Maintenance of the City's Infrastructure - Reductions in general building maintenance and insufficient funds to provide the level of maintenance necessary for streets and related facilities have led to a slow deterioration of the City's infrastructure.

III. ELIMINATION OF BLIGHTING CONDITIONS

The payment of funds toward the cost of the construction and installation of the subject improvements will assist in the elimination of one or more blighting conditions inside the Centre City Redevelopment Project area, and the proposed improvements are consistent with the Implementation Plan adopted for the Project pursuant to Health and Safety Code 33490, in that:

- A. The improvements will enhance the public right of way and replace inadequate public improvements. The sidewalk is currently cracked with the concrete sidewalk, curb and

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gutter breaking away and creating safety hazards. The proposed improvements will remove and replace these adverse conditions, upgrading the improvements on Beech Street and Pacific Highway.

- B. The commercial business to be operated within the new building expects to use the sidewalk which cannot be utilized in the existing condition.
- C. Street trees will be added to further enhance the aesthetic quality of the street and the addition of new light standards will be provided to increase the level of lighting at that location.
- D. The improvements will act as a catalyst providing an incentive for private investment, thereby contributing to the removal of economic blight.
- E. The improvements provide improved pedestrian access to public and private properties.
- F. "Pacific Highway off-sites to improve the street with new paving, sidewalks, street furniture and landscaping" and "Miscellaneous Public Improvements and Facilities to provide public improvements and facilities as needed within, or to serve, the various areas of the Project Area" are included in the work program of the Implementation Plan adopted June 21, 1994 pursuant to Health and Safety Code 33490.

EXHIBIT C
CONDITIONS OF APPROVAL
EXTENSION OF
COASTAL/CENTRE CITY DEVELOPMENT PERMIT NO. 90-0759
BASIC CONCEPT/SCHEMATIC DRAWINGS
Travelodge (Corinthian Pacifica)

1. General

The Developer shall construct, or cause to be constructed on the Site, a hotel development which shall contain approximately 113,846 gross square feet of commercial use. The development shall also include parking facilities to accommodate approximately 108 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 3.71 and a height of 70 feet, excepting certain architectural roof projections allowed by the Uniform Building Code.

2. Refinements

The following refinements to the design of the structure shall be submitted by the Developer:

- a. Blank wall area on all frontages exceeding thirty (30) feet shall be enhanced with windows, architectural detail, color or landscaping.
- b. Design revisions included in the plans dated October 12, 1994 shall be incorporated into the proposed project.
- c. The interior circulation and activities of the proposed structure shall be designed to accommodate future access to the Cedar Street plaza proposed in the Centre City Community Plan.

3. Design and Development and 100% Construction Drawings

The Developer shall submit for approval to Centre City Development Corporation (CCDC) Design and Development and 100% Construction Drawings which implement the design intent of the Basic Concept/Schematic Drawings.

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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 the Centre City Development Corporation and the Agency in accordance with adopted procedures. The Developer shall conform to the Centre City Redevelopment Plan and, unless otherwise specified, 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.

b. Form and Scale

The development shall complement the County Administration Building and shall be designed to implement the County Administration Building Design Zone.

c. 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 shall be submitted with Design and Development Drawings.

d. 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, residential stairways, 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.

e. Access

Vehicular access to the Site shall be limited to Beech Street and Pacific Highway. 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 California Street.

Curb cuts shall be perpendicular to the street. Curb cuts shall not exceed thirty (30) feet in width and shall not be located closer than eighty (80) feet together.

Doors shall be provided for all vehicular and service delivery entrance ways. Such doors shall conceal views of unfinished construction shall be of high quality, and shall be designed as attractive architectural features of the proposed development.

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.

f. 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 mechanically ventilated. The exhaust system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential.

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.

g. Open Space/Project Amenities

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

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Prior to the issuance of a certificate of occupancy, a deed restriction shall be recorded which provides for the maintenance of the private open space adjacent to California Street as a publicly accessible open space for the term of the improvement constructed on the Site. The deed restrictions shall be approved by the Executive Director of the Agency (or his designee) prior to recordation.

h. Roof Tops

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

The development shall be designed to create a roof line which varies perceptibly in height for each fifty (50) feet of horizontal distance.

i. Signing

All signage shall be subject to sign permits obtained from the City's Sign Permit Services Department. All signage must receive the approval of CCDC prior to obtaining any sign permits.

j. 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.

k. 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.

l. Energy Considerations

The design of the improvements shall include, where feasible, energy conservation construction techniques and

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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.

6. Surface 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's 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 Centre City Streetscape 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 three trash receptacles as specified in the Centre City Streetscape Manual. All street trees shall be at least 36-inch box or 15-foot brown trunk height 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>
Pacific Hwy	Mex. Fan Palm	Type A	Special
Beech	Jacaranda	Type C	Standard
California	Jacaranda	Type C	Special

The Redevelopment Agency may prepare the drawings and install the surface off-site improvements as described herein; the Developer shall pay a portion of the costs of such improvements if so directed by the Agency.

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.

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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, monitoring wells, tanks and abandoned utilities as necessary to construct the project.
- c. Disconnection, capping and removal of utility lines,

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installations, facilities and related equipment within or on the Site.

- d. Removal of all paving within or on the Site and, where below-grade encroachments are required, within the adjacent public right-of-way to the back edge of the curb (including catch basins, curbs, gutters, drives and sidewalks).

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 or at the expense of previous parties in interest to the properties if so provided by agreements between these parties and the Developer) 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 sidewalk areas) 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 construction of the improvements on the site and/or the removal and/or remedy of soil and/or water contamination.

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9. Environmental Impact Mitigation and Archaeological Protection

The Developer shall implement mitigation measures and/or mitigation monitoring requirements as identified in Section V of the Mitigated Negative Declaration No. 90-0759 prepared for the project, prior to the issuance of a building permit.

10. Airport Approach Overlay Zone Requirements

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

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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 and painted with graphics 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 _____