

RESOLUTION NUMBER R- 291107

ADOPTED ON DEC 08 1998

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING CONDITIONAL USE  
PERMIT 98-0357 (MUSIC VILLAGE) TO ALLOW FOR A  
PUBLIC PARKING GARAGE WITHIN THE CENTRE CITY  
REDEVELOPMENT PROJECT AREA.

WHEREAS, Music Village, LLC (the "Developer"), has submitted to the Centre City Development Corporation an application for Conditional Use Permit 98-0357 to permit a 400-space parking garage (the "Development") within a mixed-use project addressed as 1041-49 Fifth Avenue/1040-60 Sixth Avenue within the block bounded by Broadway, 5<sup>th</sup> Avenue, C Street and 6<sup>th</sup> Avenue within the Centre City Redevelopment Project Area; and

WHEREAS, the application has been reviewed by the Centre City Project Area Committee; and

WHEREAS, the Centre City Development Corporation, Inc., and the City Council have held public hearings to consider the proposed project, having duly published and mailed notice of such public hearings and permitted interested citizens and area residents to review and comment on the proposed development; and

WHEREAS, the Comprehensive Downtown Parking Plan adopted by the Redevelopment Agency of The City of San Diego in 1997 recognizes the need for additional parking facilities in this vicinity; NOW, THEREFORE,

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

1. That the proposed parking garage will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the Permit, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area.
2. That the proposed parking garage will comply with all the relevant regulations in the San Diego Municipal Code.
3. That Conditional Use Permit 98-0357 is hereby granted to Music Village, LLC, subject to the conditions stated in Exhibit A attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By

  
\_\_\_\_\_  
Douglas K. Humphreys  
Deputy City Attorney

DKH:ms  
11/17/98  
Or.Dept:CCDC  
Aud.Cert:N/A  
R-99-592  
Form=r-t.frm

**CONDITIONAL USE PERMIT NO. 98-0357**  
**CENTRE CITY CONDITIONAL USE PERMIT**

Pursuant to the regulations of the Centre City Planned District Ordinance No. 0-17533, an application from Music Village, LLC, to construct a 400 space public parking structure within a mixed-use project located at 1041-1049 Fifth Avenue/1040-1060 Sixth Avenue. The site, described as Lots "B", "C", "J", and "K" of Block 35 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to the map thereof on file in the Office of the County Recorder of San Diego County, is located in the Commercial/Office District of the Centre City Community Plan Area.

A Conditional Use Permit is granted by the City of San Diego to Music Village, LLC, Owner/Permittee, subject to the following conditions:

1. The project shall obtain a Resource Protection Permit from the City for the project's modifications to the Jessop's building.
2. The garage facade shall be stepped back from the Jessop's facade by a minimum of five feet.
3. Each garage level shall provide a solid building wall at least three and one half feet high above the parking surface to screen the view of vehicles.
4. All lighting, unfinished surfaces, and mechanical equipment shall be screened from views from the sidewalk grades on both sides of Fifth and Sixth Avenues.
5. A final materials/color board shall be provided for approval with the 100% construction drawings.
6. A minimum of 0.5 spaces per live/work loft shall be reserved and maintained within the garage for exclusive use by these residential uses.
7. This Permit may be revoked by CCDC if there is a material breach or default in any of the conditions of this permit.
8. This Permit shall not become effective until:
  - a. The Permittee signs and returns the Permit to CCDC; and
  - b. The Permit is recorded in the Office of the County Recorder.
9. This Permit must be used within 36 months after the date of approval or the Permit shall be void.

10. After establishment of the parking garage, the Property shall not be used for other uses unless:
- a. Authorized by CCDC; or
  - b. The uses are consistent with all zoning and development regulations of the Centre City Planned District Ordinance; or
  - c. This permit has been revoked by CCDC.
11. This Permit is a Covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

Passed and adopted by the Centre City Development Corporation on \_\_\_\_\_, 1998.

CENTRE CITY DEVELOPMENT  
CORPORATION

PERMITTEE(S) SIGNATURE