

RESOLUTION NUMBER R- 294999

ADOPTED ON JUN 1 2 2001

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING CENTRE CITY DEVELOPMENT
PERMIT NO. 41-0227 FOR THE EMPORIUM APARTMENTS
PROJECT.

WHEREAS, St. Vincent de Paul Management, Inc. (the Developer) has submitted an application for a Centre City Development Permit to construct a mixed-use project adjacent to an existing apartment development located on a 27,500 square-foot site located on the block bounded by 16th, 17th, and Commercial Streets, and Imperial Avenue in the East Village Redevelopment District of the Centre City Community Planning Area; and


WHEREAS, on JUN 1 2 2001, the Council held a duly noticed public hearing and considered Centre City Development Permit No. 41-0227, including a staff report and recommendation and public testimony; NOW, THEREFORE,

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

1. The proposed development will not adversely affect the applicable land use plan.
2. The proposed development will not be detrimental to the public health, safety, or welfare.
3. The proposed development, including its architectural design concepts, landscape features, and off-site improvements, shall be consistent with the Centre City PDO and Centre City Streetscape Manual.

4. The City Council approve Centre City Development No. 41-0227 as outlined in Exhibit C, attached hereto and incorporated herein.

APPROVED: CASEY GWINN, City Attorney

By 
for Douglas K. Humphreys
Deputy City Attorney

DKH:lc
05/25/01
Or.Dept:CCDC
Aud.Cert:N/A
R-2001-1633
Form=r&t.frm

EXHIBIT C

PROPOSED DEVELOPMENT PERMIT

R. 284999

RECORDING REQUESTED BY:

Centre City Development Corporation
Architecture and Planning Division
225 Broadway, #1100
San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Centre City Development Corporation
Architecture and Planning Division
225 Broadway, #1100
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**

CENTRE CITY DEVELOPMENT PERMIT NO. 41-0227

**(EMPORIUM APARTMENTS/
VILLAGE PLACE APARTMENTS)**

R- 294999

CENTRE CITY DEVELOPMENT CORPORATION
CENTRE CITY DEVELOPMENT PERMIT NO. 41-0227

Pursuant to the regulations of the Centre City Planned District Ordinance (PDO), an application from S.V.D.P. Management, Inc., Owner/Permittee, to construct a mixed use project adjacent to an existing apartment development located on a 27,500 square foot site located at the north end of the block located between 16th, 17th, and Commercial streets and Imperial Avenue in the East Village District of the Centre City Community Planning Area, was reviewed by the Centre City Development Corporation (CCDC) and the City Council of the City of San Diego. The Site is hereby described as Lots 1, 9, 10, 11, 12, and the northern half of Lot 2, of Block 57 of Sherman's Addition in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 856, filed in the Office of the County Recorder of San Diego County, February 18, 1899

A Centre City Development Permit is granted by the City of San Diego City Council to S.V.D.P. Management, Inc., Owner/Permittee.

1. General

The Developer shall construct, or cause to be constructed on the Site, a mixed use building consisting of 90 residential apartments and approximately 5,800 square feet of commercial space. This building is in addition to the existing 20,580 square foot building containing 44 apartment units. The development shall also include parking facilities to accommodate 26 vehicles on the Site. The total floor area ratio of the development for all uses above ground shall not exceed 3.0, and the new construction shall not exceed a height of approximately 86 feet measured from 16th Street.

2. Refinements

- a. The project shall utilize deeply recessed windows, projecting eaves and roof materials (clay or concrete tile) to match, or be equivalent to, the Joan Kroc Center building to the west.
- b. The design of the elevations and the parking lot wall shall be further studied and refined with , and subject to approval by, the staff of CCDC.
- c. Landscaping, including trees, shall be utilized in the open parking lot wherever feasible.

3. Urban Design Standards

The proposed development, including its architectural design concepts, landscape features and off-site improvements, shall be consistent with the Centre City PDO 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 design review process.

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. The project shall utilize deeply recessed windows, projecting eaves and roof materials (clay or concrete tile) to match, or be equivalent to, the Joan Kroc Center building to the west.

b. Form and Scale

The building shall be 7 stories in height, including the garage level. The project shall contain a mansard roof element.

c. Building Materials

The project shall utilize stucco building walls with a slate tile base. Street level windows shall be clear glass and may be lightly tinted. The base of the building shall contain a slate tile surface with accent tiles and faux window elements. A materials board which illustrates the location, color, quality and texture of proposed exterior materials shall be submitted at the 100% Architectural Drawings review stage.

d. Street Level Design

Pedestrian access to the project shall be provided from 16th and 17th streets.

e. Access

Vehicular access to the Site shall be provided from 17th Street. The curb cut shall be perpendicular to the street and shall not exceed 30 feet in width. 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

The parking garage shall meet the requirements of the Development Services Department, Fire Department and City Engineer. The mechanical exhaust system for the garage shall be designed to mitigate noise and exhaust impacts on any project residents and adjoining developments.

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The Developer shall prepare a plan which identifies the location of curbside parking control zones and parking meters. Such plan shall be submitted in conjunction with the 100% Construction Drawings. The location of such parking and meters shall be coordinated with the spacing of trees and ornamental lighting as described in the section identifying the requirements for off-site improvements.

g. Open Space/Project Amenities

The project shall provide a common patio area for the residents.

h. Roof Tops

Flat roof areas shall be architecturally treated with surface material. Mechanical equipment, vents or other roof top appurtenances must be grouped and located below the height of the mansard roof element. A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with the 100% Construction Drawings.

i. Signing

All project signs shall comply with the City of San Diego Municipal Code.

j. Lighting

Developer must submit a lighting program at the 100% Construction Drawings stage to be approved by the Corporation.

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.

l. 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 be required to demonstrate consideration of such energy features during the review of the Design and Development Drawings.

4. 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.

Landscaping, including trees, shall be utilized in the open parking lot wherever feasible. The design of the wall around the parking lot shall be further studied and match on both street frontages. A simplified parapet and pillar design with metal fencing may be more appropriate.

5. Off-Site Improvements

The following public improvements shall be installed in accordance with the Centre City Streetscape Manual; however, if the Streetscape Manual is updated prior to approval of the public improvement drawings the design shall match the updated Manual:

- a. Street Trees - Liquidambar trees shall be provided on Imperial Street with Chinese Evergreen Elm located on 16th and 17th streets. All trees shall be planted at minimum 36-inch box size. Tree grates (minimum size 5 by 5 feet as approved by CCDC) that meet the requirements of Title 24 shall be used. Tree spacing to be accommodated after street lights have been sited, and generally spaced 20-25 feet on center. All landscaping shall be irrigated with private water service from the subject property.
- b. Sidewalk Paving - Gateway paving shall be provided on Imperial Avenue with Standard paving provided on 16th and 17th streets. Any specialized paving materials shall be subject to CCDC approval and approved through the execution of an Encroachment Removal Agreement.
- c. Street Lighting - Gateway street lights shall be provided on Imperial Avenue with Standard street lights provided on 16th and 17th streets.
- d. Litter Containers - Three public trash receptacles shall be provided.
- e. Public Utilities (sewer, water and storm drain) - 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.

- f. 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 where feasible.

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

- g. Fire Hydrants - If required, the Permittee shall install fire hydrants at locations satisfactory to the Fire Department and Development Services Department.
- h. Backflow preventers - The developer shall locate all water meters and backflow preventers in locations satisfactory to the Water Utilities Department and CCDC. Backflow preventers shall be located outside of the public right-of-way adjacent to the project's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area.

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 100% Construction 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.

If, during construction, any improved portion of the public right-of-way is damaged or destroyed, the Developer shall be responsible for the replacement or repair of those improvements.

6. 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 the existing buildings and billboard sign 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 new building unless it is determined that such facilities can be abandoned in place.
- c. Disconnection, capping and removal of utility lines, installations, facilities and related equipment within or on the Site.

All of Items a. through c. inclusive shall be performed in accordance with City requirements.

7. Removal and/or Remedy of Soil and/or Water Contamination and Other Hazardous Materials

Once the Developer has accepted the Agency Parcel (pursuant to Section 213 of this Agreement) and the leasehold interest in the Agency Parcel is conveyed to the Developer, 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 or other hazardous substances on the Agency Parcel and the balance of the Site. Such work may include without limitation the following:

- a. Remove (and dispose of) and/or treat any contaminated soil and/or water or other hazardous substances 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. As required by appropriate governmental authorities, prepare a site safety plan and submit it to the appropriate governmental 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, as required.

- 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.

The Developer agrees that the Agency, and its consultants and agents, shall have the right (but not the obligation) to enter upon the Site at any time, with 24-hour notice to the Developer, to monitor the excavation and construction on the Site, to test the soils and/or water on the Site, and to take such other actions as may be reasonably necessary to assure compliance with this Section of the Scope of Development. Nothing herein (including without limitation the Agency's right to inspect) shall be construed to make the Agency, the City, Centre City Development Corporation or their respective officers, employees, contractors and agents liable for the responsibilities under the Owner Participation Agreement (OPA) and this Scope of Development, and the provisions and requirements of the OPA shall apply with respect thereto.

8. Environmental Impact Mitigation and Archaeological/Paleontological Protection

The Developer shall implement mitigation measures and/or mitigation monitoring requirements as identified in the Secondary Environmental Study for the Centre City Redevelopment Project prior to the issuance of a building permit.

A qualified archaeological monitor shall be retained to carefully monitor the excavation and grading activities while the project is underway. The responsible firm shall be identified to CCDC prior to issuance of a building and/or grading permit. If resources are encountered in the course of ground disturbance, the monitor shall be empowered to halt grading and to initiate a testing program and a report shall be prepared and submitted to CCDC.

9. Model

Prior to obtaining a building permit, the Permittee shall provide a one-inch (1") to fifty-foot (50') 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. No base is required. Landscaping at the ground level shall also be shown. Architectural detail such as windows, door and balconies shall not be shown. Other building elements and articulation less than three feet in scaled dimension need not be shown.

The model shall be made of solid acrylic plastic (e.g., Lucite, Plexiglas), be colored solid white and be compatible with the scale and contours of the model of downtown on display at the Centre City Development Corporation's Downtown Information Center. Upon acceptance by CCDC, 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.

10. 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 with wood framing, painted a consistent color with the project's design, and shall contain a pedestrian passageway, signs and lighting as required by the City Engineer. If approved by the City Engineer, a chain-link fence with screening material may be used on 16th and 17th streets. The construction fence shall be maintained free of litter and in good repair.

11. Development Identification Signs

Prior to commencement of construction on the Site, the Developer shall prepare and install, at its cost and expense, a sign on the barricade around the Site which identifies the development. The sign shall be at least four (4) feet by six (6) feet and be visible to passing pedestrian and vehicular traffic. The sign shall at a minimum include:

- Illustration of the development
- Development name
- Developer
- The phrase:

A project of the Redevelopment Agency of the City of San Diego

Mayor Dick Murphy

Council Members: Scott Peters
Byron Wear
Toni Atkins
George Stevens
Brian Maienschein
Jim Madaffer
Ralph Inzunza

and the Centre City Development Corporation

- Completion Date _____
- For information call _____

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The Developer shall obtain a current roster of Redevelopment Agency members before signs are manufactured.

The sign shall also contain the CCDC "Paradise in Progress" logo and the Downtown Construction Hotline phone number.

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

12. This Centre City Development Permit shall be conditioned upon obtaining a building permit within three (3) years from the date of issuance. If a building permit has not been obtained in three years and the project is to proceed, the permittee must reapply for a Centre City Development Permit under legislation that exists at that time.
13. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
14. This permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interest of any successor shall be subject to each and every condition set out.
15. This project shall comply with the standards, policies, and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City of San Diego.
16. No permit for construction, operation or occupancy of any facility 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 COUNTY RECORDER.

Centre City Development Permit 41-0227

This Centre City Development Permit is granted by the San Diego City Council on June 5, 2001.

CENTRE CITY DEVELOPMENT
CORPORATION

PERMITTEE(S) SIGNATURE

Brad Richter Date
Principal Planner

Date