

(R-2002-535)

RESOLUTION NUMBER R- 295662

ADOPTED ON OCT 30 2001

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING GASLAMP QUARTER SPECIAL PERMIT NO. 41-0546 FOR THE FIFTH AND "K" STREET CONDO PROJECT WITHIN THE GASLAMP QUARTER SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, Intracorp [Developer], has submitted to the Centre City Development Corporation an application for a Gaslamp Quarter Special Permit to permit the development of Fifth and "K" Street Condo project with residential, retail/commercial and parking uses on a 30,068 square-foot site on the block bounded by Fifth, Sixth, "J" and "K" Streets in the Gaslamp Quarter Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Basic Concept/Schematic Drawings have been reviewed and recommended for approval by the Centre City Development Corporation; NOW, THEREFORE,

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

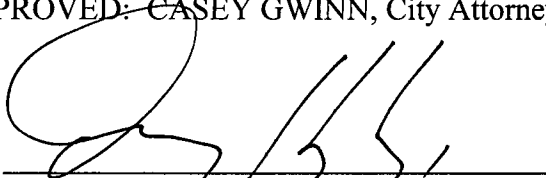
1. That the proposed use will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the Permit, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area.

2. The proposed development, including its architectural design concepts, and off-site improvements, shall be consistent with the Gaslamp Quarter PDO and Centre City Streetscape Manual.

3. The City Council approve Gaslamp Quarter Special Permit No. 41-0546 as outlined in Exhibit B, attached hereto and incorporated herein by this reference.

APPROVED: CASEY GWINN, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:ai
10/09/01
Or.Dept:CCDC
Aud.Cert:n/a
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Redev:n/a
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EXHIBIT B

GASLAMP QUARTER SPECIAL PERMIT
NO. 41-0546

R-295662

**GASLAMP QUARTER
SPECIAL PERMIT NO. 41-0546**

PURSUANT to the regulations of the Gaslamp Quarter Planned District Ordinance #17738, an application was received by Centre City Development Corporation (CCDC) from Champion Gaslamp, Ltd. to construct 140 residential units, 19,000 sq.ft. of retail/commercial use and parking for 174 vehicles. The project site is located on a 30,068 sq.ft. site on the block bounded by "J" Street, "K" Street, Fifth and Sixth Avenues. Lots "D," "E," "F," "H" and "I" inclusive of Block 122 of Horton's Addition in the City of San Diego, County of San Diego, State of California in the Gaslamp Quarter Sub Area of the Centre City Redevelopment Project.

The project was subject to the discretion of the City Council to grant a height exception (because the project is on a parcel over 30,000 sq.ft. south of Island Avenue), up to 125 feet provided that the maximum floor area ratio shall not exceed 6.0 and building elements greater than 75 feet in height observe a setback of 50 feet along Fifth Avenue. The City Council has determined that the project is consistent with the regulations of the Gaslamp Quarter Planned District Ordinance. Gaslamp Quarter Special Permit No. 41-0546 is granted by the City Council of the City of San Diego to Intracorp San Diego, LLC, Permittee.

1. General

The Developer shall construct, or cause to be constructed on the Site, a mixed-use project consisting of approximately 179,725 gross square feet of residential, retail/commercial and parking uses as generally shown on the Basic Concept/Schematic Drawings dated July 2001. The maximum height of the development shall not exceed 125 feet.

2. Refinements

The following refinements to the Basic Concept/Schematic Drawings shall be submitted by the Developer:

- a) The Developer and Architect shall continue to refine the elevations, including the facade, parapet and roof treatments. The revisions shall be approved by staff during review of the Design Development Drawings.
- b) All refinements that may be required to ensure that issues relating to the appropriateness of the exterior storefronts are in keeping with the intent of the Gaslamp Quarter Planned District Ordinance (GQPDO).
- c) All four sides of the basement wall shall be set back six feet from the curb line.
- d) The Developer shall submit to CCDC a layout for the off-site improvements.

A-295662

- e) Any exterior equipment such as transformers, refuse bins, backflow preventers, gas meters and valves, fire sprinkler equipment, and other such equipment shall be placed totally within the project Site.

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 in accordance with adopted procedures. The Developer shall conform to the Gaslamp Quarter Planned District Ordinance and Urban Design Manual 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 surrounding buildings. Additionally, the following architectural details shall be provided:

b. Building Materials

Building materials including stone, wood, and painted metal 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 final materials board which illustrates the location, color, quality and texture of proposed exterior materials and on- and off-site paving materials shall be submitted with 100% Construction Drawings.

c. Street Level Design

The base of the building shall contain upgraded materials with storefronts with clear or lightly tinted glass and individual entrances to lease spaces.

Architectural features such as colorful 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.

d. Roof Tops

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

Any rooftop mechanical equipment shall be enclosed and screened from views. Individual condenser units may be exposed, but may not be located above the elevation of the top of any building parapet and must be painted out to match the roof surface.

e. Signing

All signs shall comply with the Gaslamp Quarter Planned District Ordinance and City of San Diego Municipal Code.

f. 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 100% Construction Drawings. On-site lighting shall meet appropriate requirements for compliance with light pollution regulations.

g. 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. Developer shall provide evidence of compliance with the Noise Ordinance at 100% Construction Drawings.

h. 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 review of the 100% Construction Drawings.

R-295662

i. Utilitarian Areas

Areas housing trash, storage, or other utility services shall be located in the building and be completely concealed from view of the public right-of-way, except for utilities required to be exposed by the City or utility company.

j. Circulation and Parking

All parking areas shall meet the requirements of the Building Inspection Department, Fire Department and City Engineer. Any 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 100% Construction Drawings.

k. Street Address

Building address numbers shall be provided that are visible and legible from the public right-of-way.

5. On-Site Improvements

All off-site and on-site improvements shall be designed as part of an integral site development.

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.

6. 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 - Brisbane Box shall be provided along Fifth and Sixth Avenues and Sweet Gum along "K" Street.

b. Sidewalk Paving - Gaslamp Quarter brick sidewalks along Fifth, Sixth and "K" streets.

R-295662

- c. Street Lighting - Gaslamp Quarter street lights shall be provided along Fifth, Sixth and "K" streets.
- d. City 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 and water 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, or if no system exists, to the street gutters through sidewalk underdrains.

Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the construction of all public sewer facilities necessary to serve this development. The developer shall design all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego's current sewer design guide. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Building Code and shall be reviewed as part of the building permit plan check. In addition, the developer shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main. The developer shall provide CC&R's for the operation and maintenance of on-site private sewer facilities which serve more than one unit, satisfactory to the Metropolitan Wastewater Department Director.

- e. 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.

- f. Litter Containers - Three public trash receptacles shall be provided on the block.

R-295602

- 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 landscaped area where feasible in an unobtrusive location. The location shall be shown on the Design Development Drawings.

All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City of San Diego's Development Services Department 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 open space and sidewalk materials.

7. 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.

8. Environmental Impact Mitigation and Archaeological Protection

The Developer shall implement mitigation measures and/or mitigation monitoring requirements as identified in the Environmental Secondary Study prepared for the 5th and K Street Condo project prior to the issuance of a building permit.

The Developer shall have a qualified archaeologist conduct an in-depth study of the particular block or portion thereof where the activity is located and carry out all mitigation measures identified in the study. This study shall include a detailed review of Sanborn file insurance maps, a directory search, and, if warranted, limited testing of the zones within the area to be impacted. Mitigation of the activity also requires both obtaining cultural resources records searches and a review of aerial photographs. Testing shall include removal of asphalt, backhoe excavation, limited controlled excavation, and a preliminary review of cultural materials recovered from the excavation. The testing data would be used to formulate a more specific

mitigation plan. This plan, which would be activity-specific, may include data recovery excavation and monitoring if important resources are encountered. Data recovery may include relatively large-scale excavation, cataloging, analysis, and interpretation.

A qualified archaeologist shall carefully monitor all excavation and grading activities while an activity is underway. If resources are encountered in the course of ground disturbance, the archaeological monitor shall be empowered to halt grading and to initiate an archaeological testing program. Every effort shall be made to preserve in place any archaeological resource that is found after commencement of the activity. If preservation in place is infeasible, a data recovery testing program shall be prepared. This testing program shall include the recordation of artifacts, controlled removal of the materials, an assessment, (i.e., interpretation) of their importance under CEQA and local guidelines, and curation of a representative sample of recovered resources within a qualified curation facility. A testing report shall be deposited with the California Historical Resources Regional Information Center. All resources found to meet the definition of a unique archaeological resource as defined in Public Resources Code §083.2 shall be treated in accordance with that Code section.

9. 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.

10. 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.

R-295662

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.

11. 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 in a manner which is consistent with the project's design, 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.

12. 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
- 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
 Donna Frye
 Jim Madaffer
 Ralph Inzunza, Jr.

and

Centre City Development Corporation

- Completion Date _____.
- For information call _____.

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.

14. This permit shall be conditioned upon obtaining a building permit within eighteen (18) months from the date of issuance. If a building permit has not been obtained in eighteen (18) months and the project is to proceed, the permittee must request an extension of time of up to three (3) years by filing a written request to the President of CCDC.
15. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
16. 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.
17. 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.
18. 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.

This Gaslamp Quarter Special Permit is granted by the Centre City Development Corporation on October 23, 2001.

CENTRE CITY DEVELOPMENT
CORPORATION

PERMITTEE SIGNATURE

BEVERLY SCHROEDER
SENIOR PLANNER

MICHAEL L. BREKKA
INTRACORP SAN DIEGO, LLC

R-295662