

RESOLUTION NUMBER R-298270

ADOPTED ON JUL 29 2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO APPROVING CENTRE CITY DEVELOPMENT
PERMIT/VARIANCE 2002-29 FOR THE SMART CORNER
PROJECT

WHEREAS, Lankford and Associates filed an application for a Centre City Development Permit to construct mixed-use development consisting of a 19-story residential tower with 299 market rate condominium units and a 5-story office tower in block bounded by ("C") Street to the north, Park Boulevard to the east, Broadway on the south, and 11th Avenue on the west, including a variance request from the Building Bulk Criteria building setback and building setback requirements, within the Centre City Redevelopment Project Area and the Centre City Community Plan Area; and

WHEREAS, July 15, 2003, the City Council held a duly noticed public hearing and considered Centre City Development Permit/Variance 2002-29, including a staff report and recommendation and public testimony; NOW, THEREFORE

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

1. That there are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zoning regulations. The site for the

residential building is a unique triangular shape containing approximately 19,000 square feet which has been created as a result of the realignment of the Trolley tracks. This odd shaped parcel is unique in the Centre City area, and was created not by the applicant but by the Redevelopment Agency and MTDB in order to improve the San Diego Trolley system.

2. That the circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises. The site is located within the Central Core district of the Community plan and is subject to the PDO's requirements for a minimum Floor Area Ratio (FAR) of 6.6 and a minimum height of 125 feet. Any development is therefore required to be a high-intensity development which must be designed within the parameters of the PDO standards and the unique site characteristics. The strict application of the setback requirement would greatly reduce the amount of floor area which could be built above the 80-100 foot elevation, as the 25-foot setbacks would prohibit construction within approximately half of the site (along the street frontages). While the project does not observe the 25-foot setbacks, it has been designed to meet the intent of the Building Bulk Criteria's goals of avoiding unarticulated, box-like buildings.

3. That the granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare. The building design has incorporated many features which create an interesting building in compliance with the intent of the setback regulations by avoiding an unarticulated box-shaped building. The granting of the variance will enable the project to go forward despite the physical

constraints of the site and will achieve many goals of the Community Plan, including creating a high-intensity development at this key location.

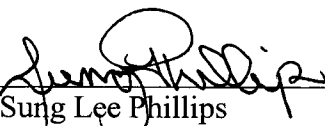
4. That the granting of the variance meets numerous goals of the Community Plan in relationship to the provision of housing, the creation of articulated buildings, the enhancement of a transportation corridor, and the establishment of an attractive, unique structure at a key location along the Park-to-Bay Link and the Broadway corridor.

5. That the proposed project under the Centre City Development Permit 2002-29 is consistent with the Centre City Community Plan and Centre City Planned District Ordinance.

6. That the City Council hereby approves Centre City Development Permit 2002-29.

7. That the City Council hereby approves Variance 2002-29 waiving the requirement for building setbacks and modifying the maximum setback for the Sale.

APPROVED: CASEY GWINN, City Attorney

By 
Sung Lee Phillips
Deputy City Attorney

SLP:mm
07/15/03
Or.Dept:CCDC
Aud.Cert: N/A
R-2003-1413