

RESOLUTION NUMBER R- 298744

ADOPTED ON DEC 09 2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO APPROVING CENTRE CITY DEVELOPMENT
PERMIT NO. 2003-39 FOR THE LILLIAN PLACE
APARTMENT PROJECT.

WHEREAS, Wakeland Housing and Development filed an application for a Centre City Development Permit to construct a residential project consisting of seventy-four rental apartments on the 36,000-square-foot site located along the south side of J Street between 14th and 15th Streets within the East Village District of the Centre City Community Plan Area; and

WHEREAS, portions of the site, commonly referred to as the J Street Properties site and the structure located at 1401 J Street, have been designated individually by the City of San Diego as local Historic Resource Sites; and

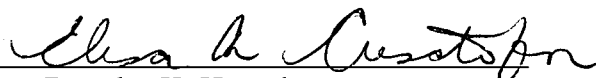
WHEREAS, Centre City Development Corporation [CCDC] has determined that the construction of the proposed project is considered a minor alteration to the designated historic sites, as the project will enhance the historic resources by rehabilitating the structure at 1401 J Street and include a museum quality exhibit, open to the public, within the structure to commemorate the history of the J Street Properties site; and

WHEREAS, on December 9, 2003, the City Council of the City of San Diego held a public meeting and considered Centre City Development Permit No. 2003-39, including a staff report and recommendation, the recommendations of the CCDC and the Centre City Advisory Committee, and public testimony; NOW, THEREFORE

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

1. The City Council hereby approves Centre City Development Permit No. 2003-39 subject to the conditions listed in said Permit.

APPROVED: CASEY GWINN, City Attorney

By: 
Douglas K. Humphreys
Deputy City Attorney

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12/01/03
Or.Dept:CCDC
Aud.Cert:n/a
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Redev:n/a
Form=r&t-comp.frm

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. 2003-39

(LILLIAN PLACE)

R- 298744

CENTRE CITY DEVELOPMENT CORPORATION
CENTRE CITY DEVELOPMENT PERMIT NO. 2003-39

Pursuant to the regulations of the Centre City Planned District Ordinance (PDO), an application from Wakeland Housing and Development, Owner/Permittee, to construct a residential project located on the approximately 36,000 square foot site located along the south side of J Street between 14th and 15th streets in the East Village District of the Centre City Community Planning Area, and more particularly described as shown in Exhibit A, was reviewed by Centre City Development Corporation and the City of San Diego City Council.

A Centre City Development Permit is granted by City of San Diego City Council to Wakeland Housing and Development, Owner/Permittee.

1. General

The Developer shall construct, or cause to be constructed on the Site, a residential project containing a total of approximately 74 dwelling units, including approximately 24 one-bedroom, 27 two-bedroom, and 23 three-bedroom apartments. The project shall also contain a learning center/computer room, tot lot, open space garden area and paseo. The total floor area ratio of the development for all uses above ground shall be approximately 2.1. The buildings shall not exceed a height of approximately 55 feet measured to the top of the parapet, with roof equipment enclosures, elevator penthouses, mechanical screening and architectural elements above this height permitted per the Centre City Planned District Ordinance.

2. Parking

The development includes approximately 75 parking spaces, including 9 tandem spaces. A minimum of 0.5 spaces per dwelling unit designed to City Standards shall be provided. In addition, a minimum of 4 motorcycle spaces shall be provided along with storage area for a minimum of 15 bicycles.

3. Historic Resources

The Developer shall document the structures within the J Street Properties (addressed as 1431-63 J Street) through drawings and photographs prior to demolition of the structures. The historic structure at 1401 shall be rehabilitated consistent with the Secretary of Interior Standards and contain a "museum quality" exhibit commemorating the historical significance of the site, which will be open to the public during time periods agreed upon between the Developer and CCDC.

4. 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.

- a. Architectural Standards - The architecture of the development shall establish a high quality of design as exhibited in the approved Basic Concept/Schematic Drawings which complements the design and character of the East Village District.
- b. Form and Scale - The project shall utilize a series of three-story and four story buildings, and incorporate an existing two-story building, clustered around a series of linear courtyards over a single level of underground parking. All building elements shall be complimentary in form, scale, and architectural style.
- c. Building Materials - All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. The project utilizes stucco and cement-fiber horizontal siding as its main facade materials. Concrete block walls shall be provided at the stoop patio areas. Projecting metal balconies shall be provided above the street level. Reflectivity of all glass materials shall be the minimum reflectivity required by Title 24. All windows shall be recessed into the facade and flush mounted with the interior walls. A final materials board which illustrates the location, color, quality and texture of proposed exterior materials shall be submitted with 100% Construction Drawings.
- d. Street Level Design - Street level windows shall be clear glass and may be lightly tinted, and the heights of the window sills above the public sidewalk shall be minimized to the extent feasible. Small planter areas shall be provided to set the buildings back from the sidewalk. The units facing J Street will contain small stoop patio areas, with concrete block walls and direct access to the street. Architectural and 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 a single driveway off the public alley extending west from 15th Street. The driveway may not exceed 30 feet in width.

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- f. Utilitarian areas - Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the public right-of-way and adjoining developments, except for utilities required to be exposed by the City or utility company.
- g. Circulation and Parking - Subterranean parking shall meet the requirements of the Building Inspection Department, Fire Department and City Engineer and shall be mechanically ventilated. The exhaust system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on the adjoining public sidewalks.

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.

- h. Open Space/Project Amenities - A landscape plan that illustrates the relationship of the proposed on- and off-site improvements shall be submitted with 100% Construction Drawings.
- i. Roof Tops - Any roof-top mechanical equipment shall be enclosed and screened from views.
- j. Signing - All signs shall comply with the City of San Diego Municipal Code and Centre City PDO.
- k. 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. All lighting shall be designed to avoid illumination of adjoining properties.
- l. 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 at 100% Construction Drawings.
- m. 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 the review of the 100% Construction Drawings.

- n. Street Address - Building address numbers shall be provided that are visible and legible from the public right-of-way.
- o. Air Conditioning Units - The use of through-wall air conditioners is discouraged. If through-wall air conditioners are used, they shall be architecturally incorporated into the facade, be flush mounted, and provide for condensation drainage to avoid staining of the walls.

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 with the 100% Construction Drawings. 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. Off-Site Improvements

The following public improvements shall be installed in accordance with the Centre City Streetscape Manual. The Manual is currently being updated and the developer shall install the appropriate improvements according to the latest requirements at the time of building permit issuance:

- a. Street Trees - Minimum 36-inch box trees shall be planted along the perimeter of the site. The species of tree shall be Liquidambar (Palo Alto) on J Street, Evergreen Ash on 14th Street, and Chinese Evergreen Elm on 15th Street. Tree grates (5x5 feet or 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.

The developer will be responsible for evaluating, with consultation with CCDC and the City staff, whether any existing trees within the right-of-way shall be maintained and preserved. No trees shall be removed prior to obtaining a Tree Removal Permit from the City Streets Division per City Council Policy 200-05.

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- b. Sidewalk Paving - Standard concrete paving in accordance with the Streetscape Manual shall be utilized along the perimeter of the site, unless the Developer wishes to upgrade such paving. The Developer shall execute an Encroachment Removal Agreement with the City, if required.
- c. Street Lighting - Existing street lights shall be maintained along the perimeter of the site or relocated as necessary for the development. All existing lights shall be evaluated to determine if they meet current CCDC and City requirements, and shall be modified or replaced if necessary.
- d. On-Street Parking - The amount of on-street parking shall be maximized wherever feasible.
- e. Litter Containers - Four public trash receptacles shall be provided.
- f. 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.

Prior to the issuance of any building permits, the developer may be required to provide a sewer study to the Metropolitan Wastewater Department and assure, by permit and bond, the construction of all public sewer facilities as required by the accepted sewer study 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. 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 will be required to 'kill' all unused water services adjacent to the project site. Service kills require an engineering permit and must be shown on a public improvement plan. All roof level 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 under drains. All such drainage shall incorporate Passive Infiltration or Retention Systems for the purpose of removing or retaining pollutants prior to discharge into the public storm drain system in conformance with applicable City ordinances. Such underdrains shall be approved through an Encroachment Removal Agreement with the City.

- g. 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.

- h. Fire Hydrants - If required, the Permittee shall install fire hydrants at locations satisfactory to the Fire Department and Development Services Department.

- i. 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 above grade 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. The devices shall be screened from view from the public right-of-way.

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.

8. 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.

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 encountered during installation of improvements in the adjacent public rights-of-way which the Developer is to install) 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 removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.
- e. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval to the Corporation. The Corporation shall have the right, but not the obligation, to observe installation of such vapor barrier system and to require adjustments to such installation if deemed appropriate by Corporation consultants.

9. 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 project prior to the issuance of a building permit.

Qualified archaeological and paleontological monitors 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.

10. Model

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.

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 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 and CCDC, alternative barricades may be used.

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 identifies the development. Each sign shall be at least four (4) feet by six (6)

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feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include:

- Colored 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
Michael Zucchet
Toni Atkins
Charles Lewis
Brian Maienschein
Donna Frye
Jim Madaffer
Ralph Inzunza

and the Centre City Development Corporation

- Completion Date _____
- For information call _____

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.

13. 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.
14. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
15. 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.

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- 16. 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.
- 17. 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 Centre City Development Permit is granted by the City Council on December 9, 2003.

CENTRE CITY DEVELOPMENT
CORPORATION

PERMITTEE SIGNATURE

Brad Richter Date
Principal Planner

Date
Wakeland Housing and Development

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State of _____

County of _____

On _____ before me, _____
Date Name, Title of Officer

personally appeared _____
Name(s) of Signer(s)

_____ personally known to me - **OR** -

_____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary