



**Centre City
Development
Corporation**

DATE ISSUED: February 21, 2008 **REPORT NO.** PC-08-008

ATTENTION: Planning Commission, Agenda of March 6, 2008

SUBJECT: THOMAS JEFFERSON SCHOOL OF LAW - CENTRE CITY
PLANNED DEVELOPMENT PERMIT 2007-55. PROCESS 4

**OWNER/
APPLICANT:** Thomas Jefferson School of Law

SUMMARY

Issue – Should the Planning Commission grant approval of the Thomas Jefferson School of Law project in the Downtown Community Plan Area?

Staff Recommendation: Approve Centre City Planned Development Permit (“PDP”) No. 2007-55 for the Thomas Jefferson School of Law project.

Centre City Development Corporation (“CCDC”) Recommendation: At its January 30, 2008 meeting, the CCDC Board granted Design Review approval and recommended to the Planning Commission approval of Centre City PDP 2007-55.

Community Planning Group Recommendation: On January 23, 2008, the Centre City Advisory Committee (“CCAC”) unanimously voted to support the staff recommendation.

Other Recommendations: On January 10, 2008, the East Village Association voted unanimously in support of the project.

Environmental Review: The Centre City Redevelopment Project, in which this project is located, is covered by the 2006 Final Environmental Impact Report (FEIR), which is a program EIR under the California Environmental Quality Act (CEQA). Under the FEIR, an Environmental Secondary Study is prepared for all developments in the Centre City area in order to evaluate the project’s compliance with the Community Plan and PDO and, therefore, the findings and conclusions of the FEIR. The project has been found to be in compliance with those planning and environmental documents; therefore, no further environmental review is required for the project under CEQA. A copy of the Environmental Secondary Study is attached for the Commission’s reference.

Fiscal Impact Statement: None.

Code Enforcement Impact: None.

Housing Impact Statement: The Downtown Community Plan designates the project site as mixed-use and accommodates 100% commercial uses as proposed in the project. This application does not involve the demolition of any housing nor does it propose the addition of any dwelling units. Therefore, the project does not have an effect on the housing supply in the Downtown Community Plan Area.

BACKGROUND

This proposed project advances the Visions and Goals of the Downtown Community Plan and the Objectives of the Centre City Redevelopment Project by:

- providing for an overall balance of uses - employment, residential, cultural, government, and destination;
- creating a collection of unique, diverse neighborhoods with a full complement of uses; and,
- providing a tapestry of places and experiences that will ensure that downtown is memorable and explorable.

PROJECT DESCRIPTION

The following is a summary of the project:

Site Area	30,000 sq.ft.
Maximum Floor Area Ratio (FAR) Permitted	6.0 / 8.0
Minimum FAR Required	5.0
Proposed FAR	5.63
FAR Bonuses Proposed	None
Stories / Height	8 stories / 164 feet
Amount of Educational Space	168,875 sq.ft.
Amount of Public Commercial Space	15,000 sq. ft.
Type of Housing	N/A
Total Number of Units / Total Residential Square Feet	N/A
Number of Units Demolished	0
Inclusionary Housing Ordinance Compliance/ Number of Affordable Units	N/A
Parking Required Proposed	175 spaces (1.0/1,000 sq.ft.) 175 spaces (1.0/1,000 sq.ft.) (including 30 tandem)
Assessor's Parcel Nos.	535-124-03, -04

DEVELOPMENT TEAM / OWNERSHIP DISCLOSURE

ROLE/FIRM	CONTACT	OWNED BY
Property Owner/ Developer	Thomas Jefferson School of Law/ Rudy Hasl, Dean and President	Non-Profit Organization: See Board of Directors List (Attachment A)
Architects: 1) Fehlman/LaBarre 2) S2 Architects	1) Michael LaBarre 2) Linus Murphy	Privately Owned: 1) Michael LaBarre 2) Partnership of Corporations/ David Symons and Robert Spaetgens - Majority Partners

DISCUSSION

The Thomas Jefferson Law School project is a proposed commercial building comprised of a private law school with classrooms, library, administrative and faculty offices, law clinic, café, bookstore and 175 below-grade parking spaces situated on the 30,000 square-foot site located on the south side of Island Avenue between Eleventh Avenue and Park Boulevard in the East Village neighborhood. This site occupies a highly visible site on the Park-to-Bay link and is currently occupied by a single-story social service use; it also shares the mid-block property line with the seven-story Metrome condominium project. Several other recently completed developments surround the site including the Padres Parkade public parking garage and the Fahrenheit and M2i residential projects to the west and Park Boulevard East and West residential projects to the north and east. The site for the new San Diego Main Library is located one block to the south.

Project Analysis

The site is zoned Employment/Residential Mixed-Use, which accommodates a variety of uses to serve surrounding residential and commercial areas. Park Boulevard is a designated Commercial Street, requiring the project to provide a minimum 40% active commercial uses along this frontage. The site has a Floor Area Ratio (FAR) of 6.0 and is eligible to earn an additional 2.0 through the FAR Bonus Programs; the project is utilizing approximately 5.63 FAR. Three levels of subterranean parking will provide approximately 175 spaces (1.0 space per 1,000 square feet of commercial use) to serve the faculty and administrative staff, and provide some student parking. Access to the parking garage will be from Eleventh Avenue. The applicant requests two deviations from development standards under the Process 4 PDP provisions, including allowing 30 tandem spaces to count toward the minimum parking requirement and to exceed the maximum east-west tower dimensions to accommodate a larger tower floor plate (discussed further, below).

Architectural Design

The project proposes a contemporary architecture utilizing a variety of high-quality materials to create an attractively designed building that is compatible with the surrounding neighborhood, which has undergone significant redevelopment in recent years, and is appropriate for an educational institution of this stature. The project is designed as an eight-story building characterized by tall volumes of vertical frames in the streetwall and tower that enhance the building's perceived height. The primarily exterior finishes consist of champagne and aluminum-colored metal panels, granite, and glass.

The building is oriented to "open to the street" at the northeast corner of the site where it sits behind a recessed open plaza adjacent to Park Boulevard and rises to its full eight-story height. An open frame metal canopy is cantilevered over the plaza and serves as an intermediate scale element between the tower and the open space. Courtyards are allowed under the PDO as an exception to the streetwall development standards if the project incorporates the general design criteria for an "urban open space." Staff has reviewed the proposed design and while the plaza is up to two feet below the adjoining sidewalks, the design and openness of the plaza, including gentle steps and an ADA ramp, meet the intent of the design guidelines for urban open spaces. The courtyard will include low planters with trees and seating.

The northwest corner of the building is differentiated by a five-story glazed streetwall that wraps the corner of Island Avenue to Eleventh Avenue. The rest of the streetwall on Eleventh Avenue and the majority of the streetwall on Park Boulevard are comprised of large modules of dark granite, creating a consistent edge with the residential building on the south half of the block. Above the fourth story, the building steps back on all sides (including the interior property line) to reduce the floorplate for the last four floors (and the enclosed mechanical level), terminating in a large inverted roof form. The roof element is proposed to be clad in metal panel and provides deep overhangs on the north and south sides of the building over the eighth floor deck.

Within the streetwall and tower vertical concrete frames, vertical and horizontal articulation is created by the patterns in the mullions, spandrel panels, and glazing patterns of light blue and green-tinted glass that are differentiated according to use inside the building. The main entry to the building on Island Avenue is distinguished by a two-story granite frame in the street wall and enhanced paving of the sidewalk. Mechanical sun shades on the east and west facades provide additional articulation as well as functional shading devices for these elevations.

PLANNED DEVELOPMENT PERMIT

The purpose of the PDP procedures (Section 126.0601 of the Land Development Code) is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations. The intent is to encourage imaginative and innovative planning and design while assuring that the development achieves the purpose and

intent of the applicable land use plan. PDPs may be granted when the resulting design is determined to achieve a higher level of quality than strict adherence to the standard development regulations.

The applicant requests the following deviations to the PDO:

Request #1: Maximum Tower Dimensions

The applicant requests that the tower be allowed to increase the PDO's maximum east-west dimension for towers (that portion of the building above 85 feet) from 130 feet to 165 feet. This configuration is consistent with the Large Floorplate Overlay District which applies to the blocks directly south of the project site, and which is intended to provide for larger floorplates to accommodate employment-oriented uses.. This flexibility in the size of the floorplate is desired to accommodate the larger sizes of classroom and facility spaces (moot court, lecture halls, library, e.g.) that are needed for the law school, which is considered an employment-oriented use.

The findings for approval of a PDP include such considerations as consistency with the applicable land use plan, creating a project that is beneficial to the community, and resulting in a more desirable project that could otherwise be achieved if the project were required to rigorously adhere to the development regulations. The applicant has submitted shadow studies demonstrating that the project will have less shading impacts to the north and west with the proposed height and width of the project than it would in a taller, more slender building. Also, given the fact that the tower is only eight stories tall, the proportions of the proposed building are appropriate as the narrower tower might appear too short in relationship to the 85-foot tall base. Staff believes that the project successfully achieves an attractive design that is consistent with the intent of the development standards and will not unduly impact the surrounding neighborhood. Given the proximity of the project site to the neighboring Large Floorplate Overlay District, staff supports the requested deviation.

Request #2: Tandem Parking Spaces

The applicant proposes to provide three levels of subterranean parking with 175 spaces (1.0 space per 1,000 square feet of commercial use) to serve the law school. Thirty spaces are proposed to be configured for tandem parking (total of 60 vehicle spaces or 17% of the required minimum parking) and 115 spaces would be standard stalls. The tandem spaces are proposed to be assigned for use by administrative personnel of the law school, the only tenant of the new development.

The Land Development Code (Section 142.0555 (b)(1)) allows tandem parking for commercial uses where limited to assigned employee parking spaces. The applicant has submitted a proposed management plan describing how parking will be administered to ensure the efficient use of

available spaces, including those spaces configured as tandem stalls. Key components of the plan include the use of reserved spaces (including tandem) for faculty and staff; reserved spaces for visitors; unassigned spaces for students; secured (key card/fob) access; and signs indicating remaining parking availability at the entry (Attachment C). Parking on weekends and during special events is also considered.

A parking management plan is not required by the Land Development Code to allow the use of tandem spaces. It is also worth noting that the parking requirements in the PDO are not intended to meet demand generated by a particular use and that the project will be required to implement Transportation Demand Management Measures as a condition of the development permit. However, the management plan is useful for ensuring that all parking provided in the project legitimately contributes to meeting the PDO's minimum requirements and the submitted plan achieves this. Parking in urban environments assumes that a portion of the parking demand will be met by transit, carpooling, and public parking lots. To that end, the project site's proximity to the trolley station and Padres Parkade will augment available parking, and the parking management plan will help to ensure efficient use of all available spaces onsite.

In order to grant a PDP, the Planning Commission must make the following findings:

(1) The proposed development will not adversely affect the applicable land use plan.

The proposed project is consistent with the objectives of the Downtown Community Plan and the Centre City PDO. The project is designed to meet the majority of the development standards for the Employment/Residential Mixed-Use land use designation, with the exception of the east-west tower dimension and the parking stall configuration. However, the requested deviations meet the intent of the regulations and will have a negligible impact on the surrounding neighborhood. In particular, shadow impacts which could result from the increased width of the tower will actually be less with the proposed tower design than would result with a taller, narrower tower, as would typically be required under the PDO. The use of tandem parking spaces will enable all project-related parking to be below grade, which will allow the entire ground floor to be used for education-related and other active uses, and the street frontages to be designed to create visual interest. All project parking will be administered by the law school according to a management plan to ensure the efficient use of the spaces.

(2) The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed development is consistent with the plans for this neighborhood and will contribute to its vitality without creating adverse impacts.

(3) The proposed development will comply with the regulations of the Land Development Code.

The proposed development will meet all the requirements of the Land Development Code and Centre City PDO with the two minor deviations, which are allowable under a PDP. With approval of the PDP, the project will meet all applicable regulations including land use, bulk and height, and urban design.

(4) The proposed development, when considered as a whole, will be beneficial to the community.

The proposed project is compatible with the existing and planned land uses on the adjoining properties and will provide educational uses that include a public law clinic, bookstore, and urban open space that will benefit the neighborhood and community. Additionally, the project will add to the diversity of uses in the area and promote sustainable design through the use of passive cooling/natural ventilation and day lighting. The proposed development will contribute to the area's vitality and economic success and allows residents to live close to work, education, and culture.

(5) Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The deviations to the PDO are relatively minor and are consistent with an employment-based use, as provided in the project, and the desire to create a more attractive and functional development with active street level uses and underground parking. The project site is located within an area of Centre City designated for dense mixed-use development with a 6.0 Base Maximum FAR and up to 10.0 FAR through the FAR Bonus Programs. The land use applicable to the project site is Employment/Residential Mixed Use, which accommodates a variety of commercial and residential uses, including the educational uses proposed in the project. The requested deviations are necessary to accommodate the larger spaces required by this use and allow for active street frontages at the ground plane.

The use of tandem spaces will allow greater utilization of the site without requiring additional subterranean parking levels. Because tandem spaces accommodate two vehicles, a method of managing access to the spaces is needed. As such, all project parking will be administered under a Parking Management Plan, which will include assigned and controlled parking for administrative staff, faculty, and students. Such plans are not typically required of new developments and will benefit the project and neighborhood by instituting a plan that serves the needs of the facility and reduces the external impacts on the community. The Plan will also include contingency planning to accommodate peak demand periods and changes in the parking demands of the primary parking users.

The project design utilizes a lower building height than would result from strict adherence to the development standards, which would require additional floors to accommodate the desired floor area in a narrower building. Due to the nature of this educational use, larger floorplates are

needed to enable collocation of uses and more efficient utilization of available floor area. Floor to floor heights for the law school are also typically taller. However, the proposed design, with the reduced number of larger floors, allows the building massing to maintain more attractive proportions, and therefore is a more attractive design solution. The reduced building height also results in less shadowing of adjacent properties and adjoining public sidewalks.

Consistency with Adopted Plans - The Downtown Community Plan and East Village Focus Plan encourage a diversity of uses in East Village, including employment uses as proposed in the project. With approval of the PDP, the project will be consistent with applicable development regulations and plans.

CONCLUSION

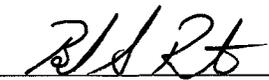
The proposal provides a commercial educational building with an attractive contemporary design that will add to the range of downtown employment opportunities. In addition, the project is compatible with the redeveloping and planned character of the surrounding neighborhood and the required findings for the PDP can be made. Therefore, staff recommends that the Planning Commission **Approve** PDP No. 2007-55 for deviations to the PDO that would allow:

- (a) an increase in the tower's maximum east-west dimension from 130 feet to 165 feet; and
- (b) the use of 30 tandem parking stalls to meet the project's minimum parking requirements.

Respectfully submitted,



Suzanne Drolet
Contract Planner



Brad Richter
Current Planning Manager

Attachments:

- A – Thomas Jefferson Law School Board of Directors List
- B – Developer Disclosure Statement
- C – Proposed Parking Management Plan
- D – Draft Planning Commission Resolution
- E – Draft Centre City Planned Development Permit 2007-55
- F – Environmental Secondary Study
- G – Project Basic Concept/Schematic Drawings

THOMAS JEFFERSON SCHOOL OF LAW

BOARD OF TRUSTEES

Charles Abdelnour, Trustee
Retired from San Diego City Clerk, Emeritus

Robert Ames, Trustee, Chair, Investment Committee
Consulting Partner DLA/Piper LLP
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James P. White, Trustee
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ABA Consultant Emeritus on Legal Education

Centre City
Development
Corporation

DEVELOPER DISCLOSURE STATEMENT

DEVELOPER'S STATEMENT OF DISCLOSURE OF CERTAIN INTERESTS IN THE PROPOSED DEVELOPMENT WHICH WILL REQUIRE DISCRETIONARY ACTION ON THE PART OF CCDC, THE REDEVELOPMENT AGENCY, CITY COUNCIL, AND PLANNING COMMISSION OF THE CITY OF SAN DIEGO.

Thomas Jefferson School of Law Mr. Perry Hasl 619.297.9700
Name of Development Contact Person Telephone/Fax
1123 Island Ave San Diego, Cal.
Address City, State Zip E-Mail

THE FOLLOWING INFORMATION MUST BE DISCLOSED FOR ALL PARTIES/FIRMS LISTED IN THIS APPLICATION. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THIS INFORMATION.

1. Thomas Jefferson School of Law 535-124-03 104
Project Name APN(s)

2. Thomas Jefferson School of Law
Present Ownership

3. Name(s) of ALL those having financial interest in the developer's business or this development:

Thomas Jefferson School of Law

4. If any person identified pursuant to #3 above is a corporation or partnership, list the names of all individuals owning more than 25% of the shares in the corporation or owning any partnership interest in the partnership:

N/A

If any of the above is a non-profit organization or trust, list the names of any person(s) serving as the Director of the non-profit organization, the trustee, beneficiary, or trustor of the trust:

N/A

5. List the names of the consultants involved in the project to date:

- a. Architect/Planner Fehlman LaBarre and SZ Architecture
- b. Legal Counsel Foley and Lardner (Richard Moskitis)
- c. Others _____
- d. Financial Institutions Merrill Lynch

6. Has any of the parties/firms listed above had \$300 or more worth of business transacted with any member of the CCDC Board, Planning Commission, or Council/Agency members within the past twelve (12) months?

No Yes - If yes, please indicate person(s):
per Dean Hasl 2-20-08

7. List the address of any other property owned by the Developer's firm or principals identified in #4 which is located within 2,500 feet of the location of the property described in #1:

N/A

8. [Signature]
Authorized Signature

10-10-07
Date

**THOMAS JEFFERSON SCHOOL OF LAW
Proposed New Facility 1123 Island Avenue**

Proposed Parking Analysis and Management Plan 1-1-08

The following is the proposed parking management plan for the Thomas Jefferson School of Law. The building design includes 175 parking spaces, including 30 tandem spaces (60 vehicle stalls) in three levels of subterranean parking. The parking will be used by faculty, staff, students and visitors.

The operational aspects of the Management Plan are still evolving and may include a professional management company. Generally, parking operations will be similar to parking structures such as the CCDC facility "Park It On Market". Entry and exit will be controlled by a Pass/Fob or Ticket activated gate. Faculty, staff, and students will receive, upon application (and possibly signature accepting "rules of operation"), a Pass/Fob to allow entry. When the Gate Controller registers that total assigned spaces (whether filled or not, they'll be reserved) and total unassigned spaces equal the number of cars in the garage, no more unassigned cars will be able to access the gate. A lighted overhead sign at the entry will indicate "FULL". "Assigned" cars will still be able to enter with their Pass/Fob. This system will be tied in with total building security, monitored by camera and voice at the Lobby desk.

Faculty & staff will have reserved spaces. Spaces will also be reserved for Carpool/Rideshare vehicles. The reserved spaces include tandem parking, and are managed by an onsite parking attendant.

Visitor spaces will be open to the public and have time limits. Or, as in the current facility, visitors and students share unassigned parking in all non-reserved spaces. Students will have unassigned parking in all non-reserved spaces.

The campus will be open on weekends, with limited Saturday classes but Library and ancillary study spaces will be available the entire weekend. All reserved slots revert to unassigned spaces in the evenings and on weekends.

For School Special Events, spaces are temporarily reserved. Management policies will be issued (possibly signed by individuals) when they receive their entry fob/pass, so that all know when and where they can park.

Additionally, there are three public parking garages in close proximity to the school which students will be able to utilize. It is anticipated that some students will live downtown and/or will use mass transit or carpooling. Facilities are provided in the parking structure to encourage alternate transportation such as bicycles including: additional bike and motorcycle parking spaces, and shower/locker room facilities.

PLANNING COMMISSION
RESOLUTION NO. ____
CENTRE CITY PLANNED DEVELOPMENT PERMIT NO. 2007-55
THOMAS JEFFERSON LAW SCHOOL

WHEREAS, RUDY HASL, an Individual, Dean of the Thomas Jefferson Law School, Owner/Permittee, filed an application with the Centre City Development Corporation for a permit to construct a commercial building comprised of a private law school with classrooms, library, administrative and faculty offices, law clinic, café, bookstore and 175 below-grade parking spaces; and,

WHEREAS, the project site is a 30,000 square-foot site located on the south side of Island Avenue between Eleventh Avenue and Park Boulevard in the East Village neighborhood of the Downtown Community Plan Area; and,

WHEREAS, on March 6, 2008, the Planning Commission of the City of San Diego held a duly noticed public hearing and considered Centre City Planned Development Permit No. 2007-55 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings:

1. This activity is covered under the Final Environmental Impact Report [FEIR] for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Redevelopment Project, which was certified by the Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006, and the Addendum to the FEIR for the 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007. This activity is adequately addressed in the environmental documents noted above and the secondary study prepared for this project reveals there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, this activity is not a separate project for purposes of review under the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines Sections 15060(c)(3), 15180, and 15378(c).
- (2) The proposed development will not adversely affect the applicable land use plan.

The proposed project is consistent with the objectives of the Downtown Community Plan and the Centre City PDO. The project is designed to meet the majority of the development

standards for the Employment/Residential Mixed-Use land use designation, with the exception of the east-west tower dimension and the parking stall configuration. However, the requested deviations meet the intent of the regulations and will have a negligible impact on the surrounding neighborhood. In particular, shadow impacts which could result from the increased width of the tower will actually be less with the proposed tower design than would result with a taller, narrower tower, as would typically be required under the PDO. The use of tandem parking spaces will enable all project-related parking to be below grade, which will allow the entire ground floor to be used for education-related and other active uses, and the street frontages to be designed to create visual interest. All project parking will be administered by the law school according to a management plan to ensure the efficient use of the spaces.

- (3) The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed development is consistent with the plans for this neighborhood and will contribute to its vitality without creating adverse impacts.

- (4) The proposed development will comply with the regulations of the Land Development Code.

The proposed development will meet all the requirements of the Land Development Code and Centre City PDO with the two minor deviations, which are allowable under a PDP. With approval of the PDP, the project will meet all applicable regulations including land use, bulk and height, and urban design.

- (5) The proposed development, when considered as a whole, will be beneficial to the community.

The proposed project is compatible with the existing and planned land uses on the adjoining properties and will provide educational uses that include a public law clinic, café, bookstore, and urban open space that will benefit the neighborhood and community. Additionally, the project will add to the diversity of uses in the area and promote sustainable design through the use of passive cooling/natural ventilation and day lighting. The proposed development will contribute to the area's vitality and economic success and allows residents to live close to work, education, and culture.

- (6) Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The deviations to the PDO are relatively minor and are consistent with an employment-based use, as provided in the project, and the desire to create a more attractive and functional development with active street level uses and underground parking. The project site is located within an area of Centre City designated for dense mixed-use development with a 6.0 Base Maximum FAR and up to 10.0 FAR through the FAR Bonus Programs. The land use applicable to the project site is Employment/Residential Mixed Use, which accommodates a variety of commercial and residential uses, including the educational uses

proposed in the project. The requested deviations are necessary to accommodate the larger floorplates required by this use and allow for active street frontages at the ground plane.

The use of tandem spaces will allow greater utilization of the site without requiring additional subterranean parking levels. Because tandem spaces accommodate two vehicles, a method of managing access to the spaces is needed. As such, all project parking will be administered under a Parking Management Plan, which will include assigned and controlled parking for administrative staff, faculty, and students. Such plans are not typically required of new developments and will benefit the project and neighborhood by instituting a plan that serves the needs of the facility and reduces the external impacts on the community. The Plan will also include contingency planning to accommodate peak demand periods and changes in the parking demands of the primary parking users.

The project design utilizes a lower building height than would result from strict adherence to the development standards, which would require additional floors to accommodate the desired floor area in a narrower building. Due to the nature of this educational use, larger floorplates are needed to enable collocation of uses and more efficient utilization of available floor area. Floor to floor heights for the law school are also typically taller. However, the proposed design, with the reduced number of larger floors, allows the building massing to maintain more attractive proportions, and therefore is a more attractive design solution. The reduced building height also results in less shadowing of adjacent properties and adjoining public sidewalks.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Centre City Planned Development Permit No. 2007-55 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in CCPDP 2007-55, a copy of which is attached hereto and made a part hereof.

Brad Richter
Current Planning Manager
Centre City Development Corporation

Adopted on: March 6, 2008

RECORDING REQUESTED BY:
Centre City Development Corporation
Architecture & Planning Division
225 Broadway, Suite 1100
San Diego, CA 92101

WHEN RECORDED MAIL TO:
Centre City Development Corporation
225 Broadway, Suite 1100
San Diego, CA 92101

THIS SPACE FOR RECORDER'S USE ONLY

**NOTE: COUNTY RECORDER, PLEASE
RECORD AS RESTRICTION USE OR
DEVELOPMENT OF REAL
PROPERTY AFFECTING THE TITLE
TO OR POSSESSION THEREOF**

CENTRE CITY PLANNED DEVELOPMENT PERMIT NO. 2007-55

(THOMAS JEFFERSON LAW SCHOOL)

DRAFT

**CENTRE CITY DEVELOPMENT CORPORATION
CENTRE CITY PLANNED DEVELOPMENT PERMIT NO. 2007-55**

Pursuant to the regulations of the Centre City Planned District Ordinance (PDO), an application from Rudy Hasl on behalf of Thomas Jefferson Law School, Owner/Permittee, to construct a commercial project located on the 30,000 square foot site on the north half of the block bounded by Island and Eleventh avenues, Park Boulevard, and J Street in the East Village District of the Centre City Community Planning Area, and more particularly described as Parcel 1 of Parcel Map No. 19943 in the City of San Diego, County of San Diego, State of California, according to Map thereof in the office of the County Recorder of San Diego, was reviewed by Centre City Development Corporation.

A Centre City Planned Development Permit is granted by Centre City Development Corporation (CCDC) to Thomas Jefferson Law School, Owner/Permittee.

1. General

The Developer shall construct, or cause to be constructed on the Site, a commercial project consisting of a private law school with classrooms, library, administrative and faculty offices, law clinic, café, and bookstore. The total floor area ratio of the development for all uses above ground (excluding the exempted retail floor area) shall not exceed 6.0.

2. Deviations from Development Standards

- a. The tower (portion of the building above 85 feet in elevation) may exceed the maximum 130-foot east-west tower dimension to a maximum width of 165 feet.
- b. The project may utilize thirty (30) tandem spaces to meet the minimum parking requirements. The tandem spaces must be reserved for use by employees of the facility.

3. Active Commercial Uses

The bookstore, café and law clinic are required active commercial uses and shall be open to the public with direct pedestrian access to the adjacent sidewalk and urban open space.

4. Urban Open Space

The project shall include a publicly accessible plaza at the northeast corner of the site as an exception to the streetwall development standards. The design of the plaza shall be consistent with the approved Basic Concept/Schematic Drawings.

5. Parking

The development includes 175 parking spaces dedicated to the exclusive use of the facility. All parking stalls shall be designed to City Standards. Visitor and/or public parking spaces

shall be identified with appropriate signage. All parking shall be managed to promote full and efficient use of all spaces, with tandem spaces reserved for employee use. In addition, a minimum of 9 motorcycle spaces shall be provided along with storage area for a minimum of 9 bicycles. Any subterranean parking facilities encroaching into the public right-of-way shall be located a minimum of six feet back from the face of curb to a depth of eight feet below sidewalk grade, measured to the outside of any shoring. An Encroachment Removal and Maintenance Agreement shall be obtained from the City to allow any encroachment of the garage into the public right-of-way.

6. Transportation Demand Management (TDM)

The project is required to implement measures to reduce single-occupant vehicle trips, per Table 0313-D of Section 151.0313(o), achieving a minimum of 24 points, for the life of the project. Such measures shall be demonstrated at 100% Construction Drawings.

7. Development Impact Fees

The project will be subject to Centre City Development Impact Fees. For projects containing commercial space(s), the Permittee shall provide to the City's Facilities Financing Department the following information at the time of application for building permit plan check: 1) total square footage for commercial lease spaces and all areas within the building dedicated to support those commercial spaces including, but not limited to: loading areas, service areas and corridors, utility rooms, and commercial parking areas; and 2) applicable floor plans showing those areas outlined for verification. In addition, it shall be responsibility of the Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed.

The project is subject to the City of San Diego's Public Art Ordinance for public art enhancements.

8. Urban Design Standards

The proposed development, including its architectural design concepts 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 and complement the design and character of the East Village District and the site's location on Island Avenue, Park Boulevard, and Eleventh Avenue as shown in the approved Basic Concept/Schematic Drawings on file with CCDC. The project shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.

- b. Form and Scale - The project shall consist of an 8-story building with maximum building height of 164 feet measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the Centre City PDO and the Federal Aviation Administration. All building elements shall be complementary 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. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within 1 (one) inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard troweled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. All down-spouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24.

All construction details shall be highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the public right of way. No substitutions of materials or colors shall be permitted without the prior written consent of CCDC. A final materials board which illustrates the location, color, quality, and texture of proposed exterior materials shall be submitted with 100% Construction Drawings and shall be consistent with the materials board approved with the Basic Concept/ Schematic Drawings.

- d. Street Level Design - Street level storefront windows shall be clear glass and may be lightly tinted. Architectural features such as 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. Exit corridors shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet.

All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and projection surfaces shall be logically composed and placed to minimize their visibility, while meeting code requirements. All soffit materials shall be high quality and consistent with adjacent elevation materials (no stucco or other inconsistent material), and incorporate drip edges and other details to minimize staining and ensure long-term durability.

- e. 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. The project shall provide trash and recyclable material storage areas per Municipal Code Sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building/garage area and shall be kept clean and orderly at all times. The project

shall implement a recycling program to provide for the separation of recyclable materials from the non-recyclable trash materials.

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.

- f. Mail/Delivery Locations - It is the developer's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal/loading use. The developer shall locate all mailboxes and parcel lockers outside of the public right-of-way, either within the building or recessed into a building wall. A single, centralized interior mail area in a common lobby area is encouraged for all residential units within a project, including associated townhouses with individual street entrances. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.
- g. Vehicle Access - Vehicular access to the site shall be limited to Eleventh Avenue; the curb cut may not exceed 30 feet in width.
- h. Circulation and Parking - Subterranean parking shall meet the requirements of the Building Inspection Department, Fire Department, and City Engineer. All parking shall be mechanically ventilated. The exhaust system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on the residential units, adjoining properties, and public right-of-way.

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.

- i. Open Space/Project Amenities - A landscape plan that illustrates the relationship of the proposed on- and off-site improvements and the location of seating, water, and electrical hookups shall be submitted with 100% Construction Drawings.
- j. Roof Tops - A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with 100% Construction Drawings. Any roof-top mechanical equipment must be grouped, enclosed, and screened from surrounding views.
- k. Signage - All signs shall comply with the City of San Diego Sign Regulations and the Centre City PDO.
- l. 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.

- m. 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.
- n. 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.
- o. Street Address - Building address numbers shall be provided that are visible and legible from the public right-of-way.

9. 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.

10. 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:

	Island Avenue	Park Boulevard	Eleventh Avenue
Paving	Island Avenue Paving	Park to Bay Paving	Ballpark Paving
Street Trees	Chinese Evergreen Elm	Yarwood London Plane	Jacaranda
Street Lights	CCDC Standard	CCDC Tear Drop	CCDC Standard

All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCDC Streetscape Manual, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 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, 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.

- a. Street Lights - All existing lights shall be evaluated to determine if they meet current CCDC and City requirements, and shall be modified or replaced if necessary.
- b. Sidewalk Paving - Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement with the City.
- c. On-Street Parking - The developer shall maximize the on-street parking wherever feasible.
- d. Litter Containers - Two CCDC Standard public trash receptacles shall be provided (one at each corner on Island Avenue).
- 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. Private sewer laterals require an Encroachment Maintenance and Removal Agreement.

Public sewer mains are existing in Eleventh Avenue and Park Boulevard to serve the proposed development. The developer will be required to submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the sewer lateral from this site to its connection with a public sewer main so that adequate main capacity can be verified to show that the sewer main will have adequate capacity necessary to serve this development. The developer will be responsible for any required upgrade to existing mains. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. Utilization of existing sewer laterals is at the sole risk and responsibility of the developer to ensure the laterals are functional and connected to a public sewer facility. Prior to connecting to any existing sewer lateral, the lateral will be inspected using a closed-circuit television (CCTV) by a California Licensed Plumbing Contractor to verify the lateral is in good working condition and free of all debris.

Public water facilities are located within the Park Boulevard right-of-way adjacent to the project site. The developer will be required to 'kill' all unused water services adjacent to

the project site and install new services where appropriate. Service kills require an engineering permit and must be shown on a public improvement plan. If and when the developer submits for a tentative map or tentative map waiver, the Water Department will require CC&Rs to address the operation and maintenance of the private on-site water system serving the project. No structures or landscaping of any kind shall be installed within 10 feet of water facilities.

All roof drainage and sump drainage, if any, shall be connected to the storm drain system in the public street, or if no system exists, to the street gutters through sidewalk underdrains. Such underdrains shall be approved through an Encroachment Removal Agreement with the City. The project shall comply with the City of San Diego Storm Water Management and Discharge Control Ordinance and the storm water pollution prevention requirements of Chapter 14, Article 2, Division 1 and Chapter 14, Article 2, Division 2 of the Land Development Code.

- 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 serving the property and in the sidewalk right-of-way shall be removed and incorporated into the adjoining development 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. 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.

11. 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 by the appropriate governmental authorities.
- f. Environmental Impact Mitigation and Archaeological/Paleontological Protection

Qualified archaeological and paleontological monitors shall be retained to carefully monitor the excavation and grading activities while the project is underway, and to implement mitigation measures and/or mitigation monitoring requirements as identified in the Secondary Environmental Study. Prior to issuance of any excavation or Grading Permit, the Developer shall submit a Letter of Qualifications for each monitoring agent to CCDC. The Letter of Qualifications shall include the name of the firm and names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG); qualifications to perform the requisite monitoring and implementation measures; and, Monitoring Reports based on the results of a site specific record search (1/4 mile radius) on the subject property and the requirements of mitigation measures in the Secondary Environmental Study.

12. 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.

13. 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. The fencing shall be maintained in good condition and free of graffiti at all times.

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

- Color rendering of the development
- Development name
- Developer
- 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.

15. 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 apply for an extension in compliance with the provisions of the CCPDO and LDC.

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

17. 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.
18. 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.
19. 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 of San Diego Planning Commission on March 6, 2008.

CENTRE CITY DEVELOPMENT
CORPORATION

PERMITTEE SIGNATURE

Brad Richter Date
Current Planning Manager

Rudy Hasl Date
Dean, Thomas Jefferson Law School
Owner/Permittee

DRAFT

State of _____

County of _____

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

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

___ personall y 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