



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

DATE ISSUED: November 6, 2012

REPORT NO. HO-12-091

ATTENTION: Hearing Officer, Agenda of November 14, 2012

SUBJECT: 9th & BROADWAY TENTATIVE PARCEL MAP - PROJECT NO. 291855 - PROCESS THREE

**OWNER/
APPLICANT** BROADWAY TOWER ASSOCIATE L.P./ BRIDGE HOUSING CORPORATION

SUMMARY

Issue: Should the Hearing Officer approve a Tentative Parcel Map for the subdivision of four, three dimensional parcels located at 929 9th Avenue, within the Downtown Community Plan Area?

Staff Recommendation: Approve Tentative Parcel Map No. 1029448.

Community Planning Group Recommendation: At their October 10, 2012 meeting, the Civic San Diego Community Planning group approved the proposed project by a vote of 18-0-1 with no recommendations.

Environmental Review: This project is within the scope of the Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan certified by the former Redevelopment Agency (Resolution R-04001 and City Council (Resolution R-301265)) on March 14, 2006 and subsequent addenda to the FEIR certified by the former Redevelopment Agency by Resolution R-04193 and by City Council Resolution R-302932 on July 31, 2007, April 21, 2010 (Agency by Resolution R-04508 and R-04510), and August 3, 2010 (Agency Resolution R-04544) prepared in compliance with State California Environmental Quality Act (CEQA) Guidelines Section 15168. A Secondary Study was prepared for the project (June 2009) in accordance with CEQA and State and local guidelines. Pursuant to Section 21166 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review. This determination reflects the independent judgment of the City of San Diego as Lead Agency for this action.

Fiscal Impact Statement: None with this action. All costs associated with this action are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

The 0.58-acre site is located at the southeast corner of 9th and Broadway (929 Broadway) in the Centre City Planned District-Residential (CCPD-R) Zone and the Federal Aviation Authority Part 77 Overlay Zone, within the East Village Neighborhood of the Downtown Community Plan Area (Attachment 2). The site is currently developed with a surface parking lot covering Lots A-D and a single-story building on Lot E, for a total of five lots.

On December 8, 2009 the former Centre City Development Corporation (now Civic San Diego) granted Centre City Development Permit (CCDP) No. 2009-07. This permit allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space.

DISCUSSION

Project Description:

The project proposes a Tentative Parcel Map for the merging and resubdividing of five existing parcels into four, three dimensional parcels of a 0.58-acre site. Two of the parcels will be for the proposed low-income residential improvements, one for the commercial portion and one for the parking portion for the entire project per the CCDP 2009-07. Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Parcel Map be processed for the subdivision of land. The Tentative Parcel Map request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0430 (Decision Process for a Tentative Parcel Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decision maker may approve a Tentative Map if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

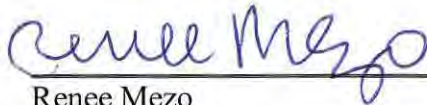
Conclusion:

Staff has reviewed the request for a Tentative Parcel Map for the subdivision of five existing parcels into four, three dimensional parcels of a 0.58-acre site. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Parcel Maps and believes the required findings can be approved. Therefore, staff recommends that the Hearing Officer approve Tentative Parcel Map No. 1029448 subject to the proposed conditions (Attachment 5).

ALTERNATIVE

1. **Approve** Tentative Parcel Map No. 1029448, **with modifications.**
2. **Deny** Tentative Parcel Map No. 1029448, **if the findings required to approve the project cannot be affirmed.**

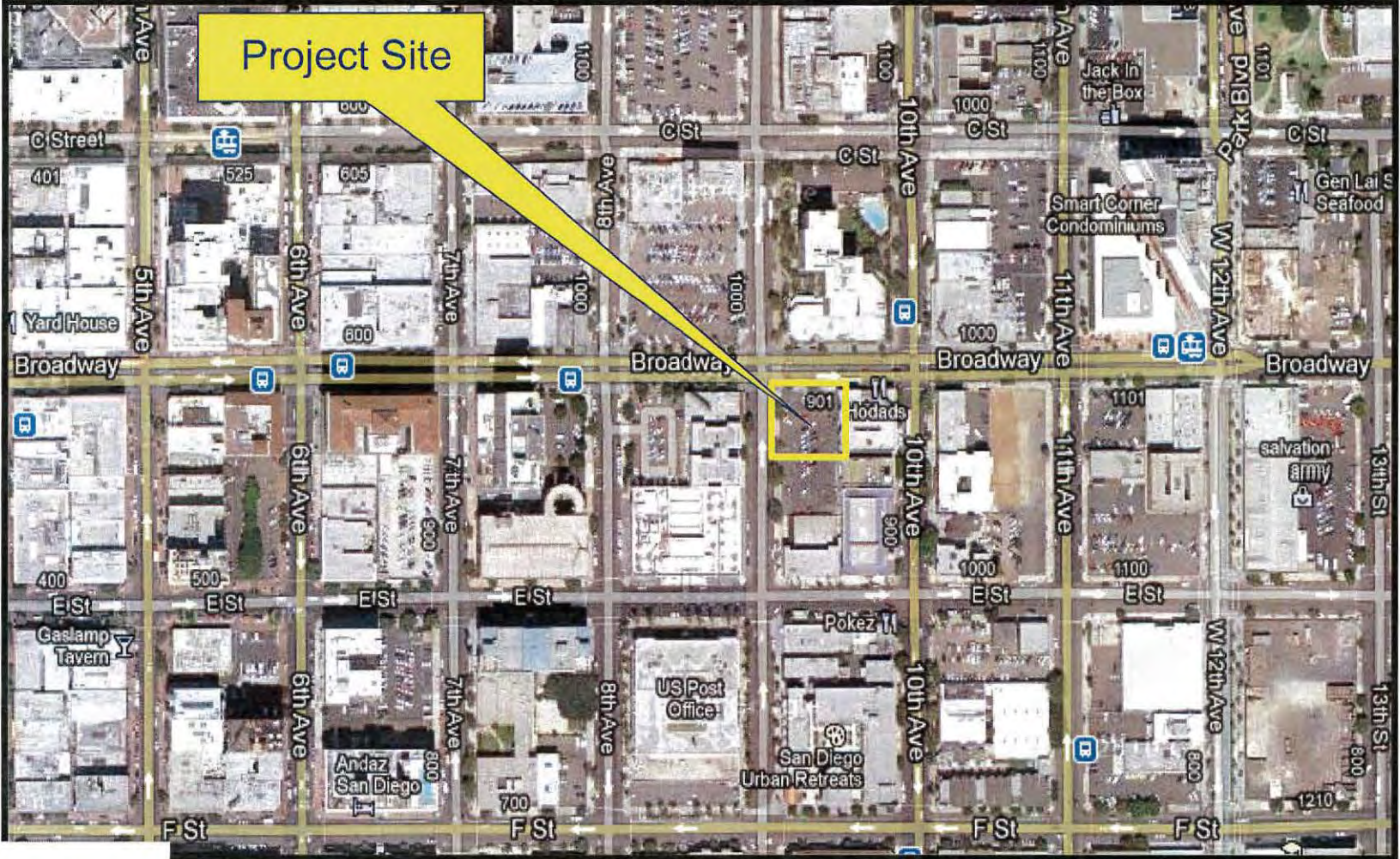
Respectfully submitted,



Renee Mezo
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Map Resolution with Findings
5. Draft Map Conditions
6. Map Exhibit (Hearing Officer only)
7. Copy of Recorded Centre City Development Permit(CCDP) No. 2009-07
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Public Hearing Notice

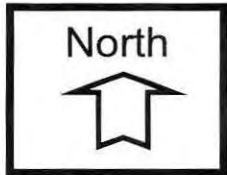


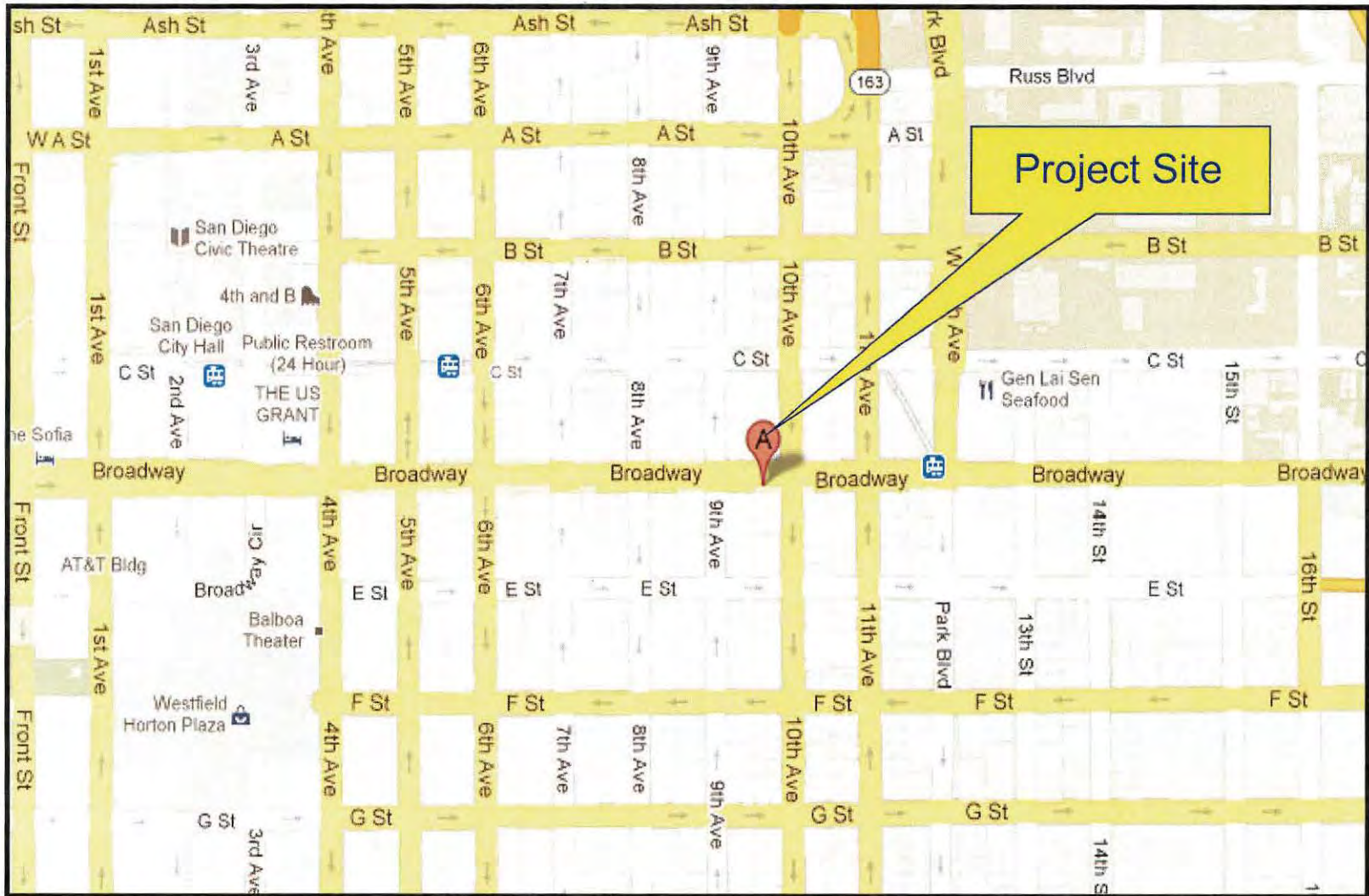
Project Site



Aerial Photo

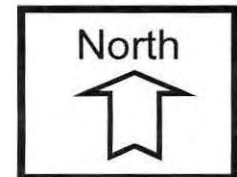
**9th & BROADWAY TENTATIVE MAP – 929 BROADWAY
PROJECT NO. 291855**

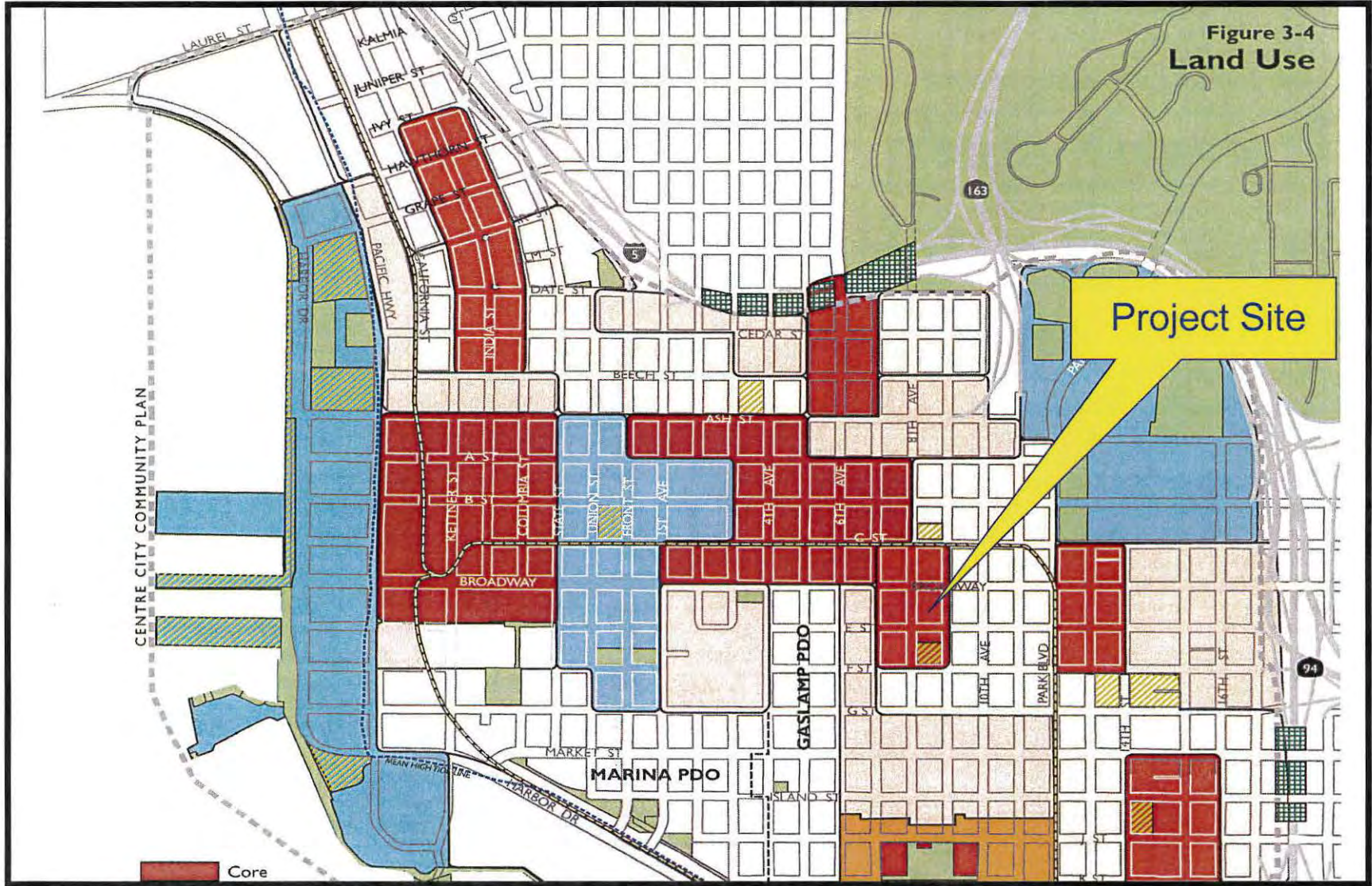




Project Location Map

**9th & BROADWAY TENTATIVE MAP – 929 BROADWAY
PROJECT NO. 291855**





Land Use Map

9th & BROADWAY TENTATIVE MAP – 929 BROADWAY
PROJECT NO. 291855



HEARING OFFICER RESOLUTION NUMBER R-XXXX

TENTATIVE PARCEL MAP NO. 1029448
9th AND BROADWAY- PROJECT NO. 291855
DRAFT

WHEREAS, BRIDGE HOUSING CORPORATION, Subdivider, and Fuscoe Engineering Engineer, submitted an application to the City of San Diego for Tentative Parcel Map No. 1029448 to merge and subdivide five existing parcels into four, three dimensional parcels for the 9th and Broadway project. The project site is located the southeast corner of 9th and Broadway (929 Broadway) in the Centre City Planned District- Residential (CCPD-R) Zone and the Federal Aviation Authority Part 77 Overlay Zone within the East Village Neighborhood of the Downtown Community Plan. The property is legally described as Lots A, B, C, D & E, Block 48 of Horton's Addition; and

WHEREAS, the Map proposes the Subdivision of a 0.58-site into four parcels; and

WHEREAS, this project is within the scope of the Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan certified by the former Redevelopment Agency (Resolution R-04001 and City Council (Resolution R-301265)) on March 14, 2006 and subsequent addenda to the FEIR certified by the former Redevelopment Agency by Resolution R-04193 and by City Council Resolution R-302932 on July 31, 2007, April 21, 2010 (Agency by Resolution R-04508 and R-04510), and August 3, 2010 (Agency Resolution R-04544)) prepared in compliance with State CEQA Guidelines Section 15168. A Secondary Study was prepared for the project (June 2009) in accordance with CEQA and State and local guidelines. Pursuant to Section 21166 of CEQA, there is no change in circumstance, additional information or project

changes to warrant additional environmental review. This determination reflects the independent judgment of the City of San Diego as Lead Agency for this action; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on November 14, 2012, the Hearing Officer of the City of San Diego considered Tentative Parcel Map No. 1029448 and pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Parcel Map No.1029448:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space. This subdivision complies with the development regulations of the Centre City Planned District and the Downtown Community Plan which identifies this site as Residential Emphasis. Therefore the proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space. The proposed subdivision was determined to be consistent with the development regulations of the CCPD-R Zone of the Centre City Planned District per the CCDP Permit No. 2009-07 which includes height, setbacks, floor area ratio, landscaping and architectural design. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space. The proposed subdivision was determined to be consistent with the development regulations of the CCPD-R Zone of the Centre City Planned District and the existing entitlements (CCDP No. 2009-07) which includes density appropriate for the underlying zone. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space.

The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as the project is located in an urban area and there are no watercourses on the site.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space. The Tentative Parcel Map includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code.

This activity, which is part of a series of subsequent discretionary actions, and therefore not considered to be a separate project for purposes of CEQA review as defined in State California Environmental Quality Act (CEQA) Guidelines Section §15378(c) is covered under the Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan certified by the Agency on March 14, 2006 (Resolution R-04001), and subsequent addenda to the FEIR certified by the Agency on August 3, 2007 (Agency Resolution R-04193), April 21, 2010 (Agency Resolutions R-04508 and R-04510), and August 3, 2010 (Agency Resolution R-04544) prepared in compliance with State CEQA Guidelines Section 15168. A Secondary Study dated July 19, 2010 prepared in accordance with CEQA and State and local guidelines. Pursuant to Section 21166 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review. This determination reflects the independent judgment of the City of San Diego as Lead Agency for this action. Therefore, the proposed project would not be detrimental to the public health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space.

No existing easements are located within the project boundaries as shown on Tentative Parcel Map 1029448. As such no conflict will occur with the recording of the subdivision and therefore no conflict will result which would negatively affect the public at large.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed project is a subdivision of the property to create four, three dimensional parcels where 5 exist today and no additional development is proposed with this subdivision. No construction or grading is permitted by this Tentative Parcel Map. The project site is currently entitled under a Centre City Development Permit (CCDP) No. 2009-07 which allows the construction of a 17-story residential mixed-use building with 250 affordable residential units and approximately 5,800 square feet of ground-floor commercial space and would not impact the housing within the region, public services and the available fiscal and environmental resources.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Parcel Map No. 1029448 hereby granted to Bridge Housing Corporation subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Renee Mezo
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Parcel Map Conditions

Internal Order No. 24003124

HEARING OFFICER
CONDITIONS FOR TENTATIVE PARCEL MAP NO. 1029448
9TH AND BROADWAY - PROJECT NO. 291855
ADOPTED BY RESOLUTION NO. R-XXXX ON NOVEMBER 14, 2012
DRAFT

GENERAL

1. This Tentative Parcel Map will expire November 29, 2015.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. The Parcel Map shall conform to the provisions of Centre City Development Permit No. 2009-07.
4. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

5. The following will be conditions of the Tentative Map Resolution that the subdivider will need to satisfy/assure before the Parcel Map is recorded.
6. The Subdivider shall construct two current City Standards SDG-163 commercial concrete driveways, adjacent to the site on 9th Avenue, to the satisfaction of the City Engineer.

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TPM No. 1029448

7. The Subdivider shall construct current City Standard curb, gutter and sidewalk, adjacent to the site on 9th Avenue, to the satisfaction of the City Engineer.
8. The Subdivider shall construct current City Standard concrete sidewalk, adjacent to the site on Broadway, to the satisfaction of the City Engineer.
9. The Subdivider shall construct a current City standard curb ramp per Standard Drawing SDG-130 and SDG-132 with truncated domes, at the southeast corner of Broadway and 9th Avenue, to the satisfaction of the City Engineer.

MAPPING

10. Prior to the Tentative Parcel Map expiration date, a Parcel Map to merge and subdivide five existing parcels into four, three dimensional parcels shall be recorded in the Office of the San Diego County Recorder.
11. Prior to the recordation of the Parcel Map taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.

PUBLIC UTILITIES - WATER AND SEWER

12. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
13. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
14. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of all public water and sewer facilities necessary to serve this development.
15. Prior to the issuance of any building permits, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
16. Prior to the issuance of any building permits, the Subdivider shall provide evidence of water easement recordation for the installation of meter and backflow located at the northeast of the parcel.

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17. Prior to the issuance of any building permits, the Subdivider shall provide an Encroachment Maintenance and Removal Agreement (EMRA) for private sewer lateral in the driveway. The lateral shall be built according to F2-6 of the City of San Diego Design Guide.
18. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
19. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer or water mains, sewer laterals, or fire hydrants.

INFORMATION:

- The approval of this Tentative Parcel Map by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Parcel Map, may protest the imposition within ninety days of the approval of this Tentative Parcel Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24003124

Project No. 291855
TPM No. 1029448

DOC # 2012-0196773



APR 04, 2012 3:11 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
Ernest J. Dronenburg, Jr., COUNTY RECORDER
FEES: 64.00

10466 PAGES: 17



RECORDING REQUESTED BY:
Centre City Development Corporation
Architecture & Planning Division
401 B Street, Suite 400
San Diego, CA 92101

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WHEN RECORDED MAIL TO:
Centre City Development Corporation
401 B Street, Suite 400
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
Development Corp.

APR 19 2012

Orig. Tx.
Copy Tx.

CENTRE CITY DEVELOPMENT PERMIT NO. 2009-07

(9th and Broadway)

**CENTRE CITY DEVELOPMENT CORPORATION
CENTRE CITY DEVELOPMENT PERMIT NO. 2009-07**

This Centre City Development Permit No. 2009-07 is granted by the Centre City Development Corporation to Bridge Housing Corporation, Owner/Permittee, pursuant to the regulations of the Centre City Planned District Ordinance (CCPDO). The 25,000 square-foot site is located at the southeast corner of Broadway and Ninth Avenue in the East Village Neighborhood of the Downtown Community Plan area. The development site is legally described as:

Lots A, B, C, D, and E in Block 48 of Horton's Addition, in the City of San Diego, State of California, according to map thereof made by L.L. Lockling on file in the Office of the County Recorder of said San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate uses as described and identified by size, dimension, quantity, type and location as follows and on the approved exhibits dated September 28, 2011, on file in the Centre City Development Corporation Architecture and Planning Department.

1. General

The Owner/Permittee shall construct, or cause to be constructed on the Site, a 17-story residential mixed-use project consisting of 250 residential apartment units (248 affordable units and two employee units) and approximately 5,800 square feet of ground-floor commercial space. Of the 248 affordable residential apartment units, 88 will be supportive housing units. A minimum of 60% of the project's ground level street frontage shall be dedicated to active commercial uses as defined in the CCPDO. The total floor area ratio of the development for all uses above ground shall not exceed 6.8. The building shall not exceed a height of approximately 208 feet measured to the top of the parapet of the uppermost floor, with roof equipment enclosures, elevator penthouses, mechanical screening, and architectural elements above this height permitted per the CCPDO.

2. Affordable Residential Units

Prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by performing one of the following, at the Owner's/Permittee's sole election, as and to the extent permitted by applicable law.

- a. Payment to the City of San Diego of the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential

units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations; or

- b. Provide evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(f) because the Owner/Permittee is receiving specific regulatory incentives and/or concessions from a public agency that result in identifiable, financially sufficient, and actual project cost reductions, including but not limited to expedited permit processing provided through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program and/or the approval of a deviation, waiver or reduction of development standards or regulations ("development incentives") and because the Owner/Permittee is voluntarily restricting rental units in exchange for such development incentives, as provided for within Part IV of the Procedures Manual; or
- c. Provide evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(g) because the Owner/Permittee is voluntarily pursuing and receiving tax credits, multifamily housing bonds, below market interest rate government agency loans, and/or grants to facilitate the construction of the development.

3. Residential Amenities and Facilities

The development includes the following residential amenities and facilities as illustrated on the approved Basic Concept/Schematic Drawings, which shall be required to be maintained within the project in perpetuity:

- a. Pet Open Space – A minimum of 100 square feet of area for use by pets and clearly marked for such exclusive use. The pet open space must contain permeable surface of gravel, sand, grass or similar, or a concrete surface connected to a drain in proximity to an outside faucet for washing down the surface. The development shall be responsible for daily cleaning and regular maintenance of this space.

- b. Common Outdoor Open Space – Approximately 13,420 square feet of common outdoor space for use by the residents of the development. The dimensions of the common outdoor open space must not be reduced for the life of the project. A minimum of ten percent (10%) of each common outdoor open space area must be planted area and each area must be accessible to all residents of the project through a common corridor.
- c. Common Indoor Space – Approximately 3,777 square feet of common indoor space (2,710 square feet at ground level and 1,067 square feet at level 5). The spaces shall be maintained for use by residents of the development and must be accessible through a common corridor. The area may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space.
- d. Off-Street Loading Bay – The project shall provide and maintain an off-street loading bay for use by the residents of the project. Loading bay dimensions shall be a minimum of 35 feet-deep, 13 feet-wide, and 13 feet-tall. The loading area shall have direct access to the internal circulation system and elevators.

4. Parking

A minimum of 112 parking spaces shall be provided in the project's two-and-a-half (2.5) below-grade parking levels. Although not required, the project design currently provides eight (8) parking spaces in excess of the CCPDO requirement. If feasible, the developer should retain these excess parking spaces to satisfy any additional parking demand generated by the project. All 112 required parking spaces shall be dedicated to the project's residential component, and shall be designed to City Standards. Of these 112 parking spaces, 108 shall be allocated to the project's residential units and four (4) shall be dedicated and permanently maintained for exclusive use by residential guests and service vehicles, with signs posted accordingly. If any additional residential parking spaces are designed with dimensions less than the City Standards, future renters of the residential units shall be informed of the dimensional size of their parking spaces prior to the sale of such units. Any tandem parking stalls must be assigned to the same unit. In addition, a minimum of six (6) motorcycle spaces shall be provided along with storage area for a minimum of 22 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 (8) 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.

5. Federal Aviation Administration (FAA) Review

The Owner/Permittee shall be required to obtain and submit to CCDC and City a Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation prior to the issuance of a construction permit for the project.

6. Tentative Map

The Permittee shall be responsible for obtaining all map approvals required by the City of San Diego prior to any future conversion of the residential units and/or commercial spaces to condominium units for individual sale.

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.

PLANNING AND DESIGN REQUIREMENTS

8. LEED Certification

The Project shall achieve Silver LEED certification and the project team shall include LEED certified staff to assist with the design and selection of the Project's green building features and LEED strategy. The Project shall incorporate a green eco-roof and photovoltaic panels.

9. 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 Neighborhood and the site's location 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 a 17-story building with a building maximum height of approximately 208 feet measured to the parapet of the uppermost habitable floor of the building, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the PDO. 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. Plaster materials shall be either hard troweled or machine dash finished, as indicated in the Basic Concept/ Schematic Drawings. Any surface materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. Graffiti coatings should be extended the full height of the upgraded base materials or up to a natural break such as a cornice line. 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 Owner/Permittee 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 Owner/Permittee'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 Owner/Permittee 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. **Access** - Vehicular access to the site shall be limited to a single project driveway on 9th Street. The curb cut for the driveway may not exceed 24 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.
- 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 uphill and 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. The Owner/Permittee 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 Owner/Permittee 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.

10. 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.

PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS

11. 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 Owner/Permittee shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

	Broadway	9 th Avenue
Paving	Broadway Paving	CCDC Standard Paving
Street Trees	Southern Magnolia	Fern Pine
Street Lights	Gateway Lights	Standard Street Lights

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 Owner/Permittee 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 Owner/Permittee shall maximize the on-street parking wherever feasible.
- d. **Litter Containers** – 2 CCDC public trash receptacles shall be provided (one at the corner of Broadway and 9th Avenue and one midblock on 9th Avenue).

- e. **Public Utilities (sewer, water and storm drain)** - The Owner/Permittee 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. 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. Private sewer laterals require an Encroachment Maintenance and Removal Agreement.

If it is determined that existing water and sewer services are not of adequate size to serve the proposed project, the Owner/Permittee will be required to abandon (kill) any unused water and sewer services and install new services and meters. Service kills require an engineering permit and must be shown on a public improvement plan. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of City of San Diego Water and Sewer Facility Design Guidelines and City regulations standards and practices pertaining thereto.

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.

If and when the Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee 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.

12. **Removal and/or Remedy of Soil and/or Water Contamination**

The Owner/Permittee 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 Owner/Permittee 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.

GENERAL/MISCELLANEOUS REQUIREMENTS

13. 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 Owner/Permittee 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.

14. 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 Owner/Permittee 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.

15. Construction Fence

Owner/Permittee 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.

16. Development Identification Signs

Prior to commencement of construction on the Site, the Owner/Permittee 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
- Owner/Permittee
- 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.

17. 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.
18. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
19. 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.
20. 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.

21. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

22. The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

Centre City Development Permit No. 2009-07
9th and Broadway

10480

23. 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.

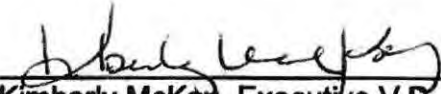
This Centre City Development Permit is granted by the Centre City Development Corporation on December 8, 2009.

CENTRE CITY DEVELOPMENT
CORPORATION

PERMITTEE SIGNATURE



Brandon Nichols 3.29.12
Senior Planner Date



Kimberly McKay, Executive V.P. 3-30-12
Bridge Housing Corporation Date
Permittee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
 County of San Diego }
 On 3/29/12 before me, M. Betty Migliaccio, Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Brandon Nichols
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: M. Betty Migliaccio
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Partner — Limited General Individual Partner — Limited General

Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

State of Ca

County of Orange

On 3/30/12 before me, Madooul Kobty, Notary Public
Date Name, Title of Officer

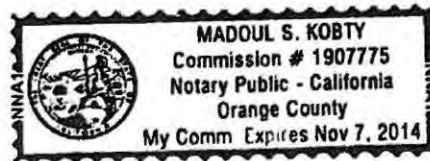
personally appeared Kimberly Ann McKay
Name(s) of Signer(s)

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.

Madooul Kobty
Signature of Notary



Mezo, Renee

From: Brandon Nichols [nichols@civicsd.com]
Sent: Thursday, October 11, 2012 9:23 AM
To: Mezo, Renee
Subject: Re: PTS 291855

18-0 approval, one recusal.

Sent from my iPhone...so please excuse typos.

On Oct 11, 2012, at 9:19 AM, "Mezo, Renee" <RMezo@sandiego.gov> wrote:

> Hi Brandon,
> Can you tell me what the vote was? Thanks.

>
> Renee Mezo
> City of San Diego
> Development Services
> Development Project Manager
> 1222 First Ave. MS501
> San Diego, CA 92101-4155
> 619-446-5001
> FAX 619-446-5499
> rmezo@SanDiego.gov
> <http://www.sandiego.gov/development-services/>

> Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

>
>
> -----Original Message-----

> From: Brandon Nichols [<mailto:nichols@civicsd.com>]
> Sent: Tuesday, October 09, 2012 3:22 PM
> To: Mezo, Renee
> Subject: PTS 291855

>
> Renee,
>
> We don't have any comments on this one so I sent it back over. It's going on consent to our CPG tomorrow night so just send me a reminder when you need the CPG vote.

>
> Brandon
>
> Sent from my iPhone...so please excuse typos.

>
> Please Note: Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

CCAC VOTING RECORD

Meeting Date: 10/10/12

Name	Yes	No	Abstain	Recuse	Agenda Item # 9/11/14
Monica Ball	X				Item Title: 9) MISSION BREAKING 11) 9TH & BROADWAY 14) 380 W. BROADWAY
Cynthia Blair	X				
Todd Blakesley	X				
Scott Bohrer					
Timothy Brand	X				
Kimberly Brewer	X				
Debbie Carrigan	X				
Diana Clark	X				
Harold Clayton					
Pablo Collin	X				
Jessica Cometa	X				
Brian Crisp					
Ricardo Flores					
Laura Garrett	X				
Sal Giametta	X				
Bill Keller					
Lindsay King	X				
Judith Meeks	X			(#9)	
Kyle Peterson	X				
David Priver	X				Member Who Seconded the Motion:
Christopher Sohaey	X				
Pat Stark	X				
Kenneth Victor	X				MOTION: APPROVE AS PRESENTED
Luke Vinci	X				
Scott Glazebrook	X				
TOTAL CCAC	18			1	



City of San Diego
Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title **Project No. For City Use Only**
 9TH & BROADWAY *291855*

Project Address:
 Southeast corner of 9th Avenue and Broadway, San Diego, CA 92101

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: 9th & Broadway	Project No. (For City Use Only)
---	--

Part II - To be completed when property is held by a corporation or partnership
Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**
 Yes
 No

Corporate/Partnership Name (type or print): Broadway Tower Associates, L.P.	
<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant/Lessee
Street Address: 2202 30th Street	
City/State/Zip: San Diego, CA 92104	
Phone No: 619-231-6300	Fax No: 619-231-6301
Name of Corporate Officer/Partner (type or print): Kimberly McKay	
Title (type or print): Vice President	
Signature : 	Date: Jul 13, 2012

Corporate/Partnership Name (type or print): Broadway Upper Tower Associates, L.P.	
<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant/Lessee
Street Address: 2202 30th Street	
City/State/Zip: San Diego, CA 92104	
Phone No: 619-231-6300	Fax No: 619-231-6301
Name of Corporate Officer/Partner (type or print): Kimberly McKay	
Title (type or print): Vice President	
Signature : 	Date: Jul 13, 2012

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner	<input type="checkbox"/> Tenant/Lessee
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner	<input type="checkbox"/> Tenant/Lessee
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner	<input type="checkbox"/> Tenant/Lessee
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner	<input type="checkbox"/> Tenant/Lessee
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 30, 2012

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	November 14, 2012
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	TENTATIVE PARCEL MAP, PREVIOUS FINAL ENVIRONMENTAL IMPACT FOR THE CENTRE CITY REDEVELOPMENT PLAN PROCESS FOUR
PROJECT NUMBER:	291855
PROJECT NAME:	<u>9th AND BROADWAY</u>
APPLICANT:	Bridge Housing Corporation
COMMUNITY PLAN AREA:	Downtown Community Plan
COUNCIL DISTRICT:	District 2

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for Tentative Parcel Map to create four parcels for a 17-story Mixed-Use Residential Tower (250 units) over 3 levels of underground parking. The 0.58-acre site is located at the southeast corner of 9th and Broadway (929 9th Avenue) in the Centre City Planned District- Residential (CCPD-R) Zone and the Federal Aviation Authority Part 77 Overlay Zone within the East Village Neighborhood of the Downtown Community Plan Area.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project is within the scope of the Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan certified by the former Redevelopment Agency (Resolution R-04001) and City Council (Resolution R-301265) on March 14, 2006 and subsequent addenda to the FEIR certified by the former Redevelopment Agency by Resolution R-04193 and by City Council Resolution R-302932 on July 31, 2007, April 21, 2010 (Agency by resolution R-04508 and R-04510), and August 3, 2010 (Agency Resolution R-04544) prepared in compliance with State CEQA Guidelines Section 15168. A Secondary Study was prepared for the project (June 2009) in accordance with CEQA and State and local guidelines. Pursuant to Section 21166 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review. This determination reflects the independent judgment of the City of San Diego as Lead Agency for this action.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at

(619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24003124