



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: November 6, 2013

REPORT NO. HO 13-096

ATTENTION: Hearing Officer

SUBJECT: BROADWAY & PACIFIC MAP WAIVER
PROJECT NUMBER: 313405

LOCATION: Pacific Highway & West Broadway

APPLICANT: Bosa Development California II, Incorporated

SUMMARY

Issue: Should the Hearing Officer approve a Tentative Map Waiver and a Coastal Development Permit for the creation of 221 units for residential condominium development and six units for commercial condominium development on a 1.38-acre site located at on the southeast corner of Pacific Highway & West Broadway in the Downtown Community Plan.

Staff Recommendation:

1. **APPROVE** Tentative Map Waiver No. 1137933 and Coastal Development Permit No. 623941.

Community Planning Group Recommendation – The Downtown Community Planning Council considered the proposed project on May 15, 2013, and voted 18-0-0 to recommend approval of the project, with no recommendations. To date the minutes for this meeting have not been provided.

Environmental Review: 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 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, and a Environmental Secondary Study (ESS) 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.

BACKGROUND

The 1.38-acre site is located at the southeast corner of Pacific Highway & West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable) and Parking Impact Overlay Zones within the Downtown Community Plan (Attachment 1). On June 21, 2012, a Civic Centre Development Permit/Coastal Development Permit (CDP) No. 2012-23 was approved by Civic San Diego for a 41-story residential mixed-use development consisting of not more than 221 residential units and approximately 16,000 square feet of commercial space.

The site is designated Core by the Downtown Community Plan. It is located within the Columbia Neighborhood/District. The Neighborhood/District is planned for high intensity mixed-use development. Located between Civic/Core and the waterfront, this neighborhood caters to visitor-serving uses and includes large hotels and office buildings. Recently, the district has seen high-rise residential development as well and requires street frontage activity at this site, such as commercial uses. Improved waterfront connections are a major thrust in planning for this neighborhood.

DISCUSSION

The proposed project is a Coastal Development Permit (CDP) and Tentative Map Waiver to waive the requirements for a Tentative Map for the subdivision of a 1.38-acre site to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map Waiver be processed for the subdivision of land. The Tentative Map request is a Process Three Hearing Officer decision. As outlined in 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. Section 126.0702 of the Municipal Code requires a CDP for all coastal development including the subdivision of land.

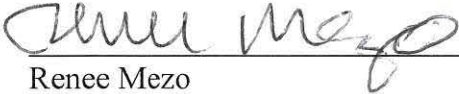
CONCLUSION

Staff has reviewed the request for a Tentative Map Waiver and Coastal Development Permit to create 221 residential condominium units and six (6) commercial condominium ownership interests. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code and believes the required findings can be approved. Therefore staff recommends that the Hearing Officer approve Tentative Map No. 1137933 and Coastal Development Permit No. 623941 subject to the proposed conditions (Attachment 4 and 6).

ALTERNATIVE

1. Approve Tentative Map Waiver No. 1137933 and Coastal Development Permit No. 623941, with modifications.
2. Deny Tentative Map Waiver No. 1137933 and Coastal Development Permit No. 623941, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo
Development Project Manager

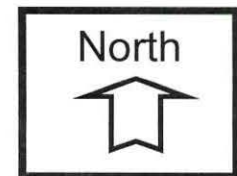
Attachments:

1. Aerial Photograph
2. Previously approved Civic Centre Development Permit/CDP No. 2012-23
3. Draft Map Conditions
4. Draft Map Resolution
5. Draft Permit Conditions and Resolution
6. Map Exhibit- Tentative Map Waiver
7. Ownership Disclosure Statement
8. Hearing Notice



Aerial Photo

BROADWAY AND PACIFIC MAP WAIVER - CORNER OF
PACIFIC HIGHWAY & WEST BROADWAY
PROJECT NO. 313405



RECORDED REQUEST OF
First American Title
HOMEBUILDER SERVICES

DOC # 2012-0745006



NOV 29, 2012 8:00 AM 4344

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

PAGES: 17



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

RECORDING REQUESTED BY:

Civic San Diego
Architecture & Planning Division
401 B Street, Suite 400
San Diego, CA 92101

WHEN RECORDED MAIL TO:

Civic San Diego
Attn: Architecture and Planning
401 B Street, Suite 400
San Diego, CA 92101

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**CENTRE CITY DEVELOPMENT PERMIT AND COASTAL
DEVELOPMENT PERMIT NOS. 2012-23**

(PACIFIC AND BROADWAY – SANTA FE PARCEL 9)

Centre City Development and Coastal Development Permit Nos. 2012-23
Pacific and Broadway (Santa Fe Parcel 9)

4345

**CIVIC SAN DIEGO
CENTRE CITY DEVELOPMENT PERMIT/COASTAL DEVELOPMENT
PERMIT NOS. 2012-23**

This Centre City Development Permit/Coastal Development Permit No. 2012-23 is granted by the Civic San Diego (CSD) to Bosa Development California II Inc., Owner/Permittee, pursuant to the regulations of the Centre City Planned District Ordinance (CCPDO). The 60,113 square-foot site is located on the block bounded by Pacific Highway, Broadway, E Street and the rail/trolley corridor in the Columbia Neighborhood of the Downtown Community Plan Area. The development site is legally described as:

All of Parcel 1 of Parcel Map No. 19274, in the City of San Diego, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County on July 11, 2004 as File No. 2003-0826597 of official records.

Together with that portion of Pacific Highway (formerly Atlantic street), the south half of Broadway (formerly 'D' Street), and the north half of 'E' Street, adjoining the above described land, as said streets are dedicated to public use, which upon closing would revert, by operation of law, to the above described land.

Subject to the 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 June 21, 2012, on file in the CSD Architecture and Planning Department.

1. General

The Owner/Permittee shall construct, or cause to be constructed on the Site, a 41-story residential mixed-use development consisting of not more than 232 residential condominium units and approximately 16,000 square feet of commercial space. The total gross floor area for all above ground uses shall not exceed 515,533 square feet (8.58 FAR) and the building shall not exceed a height of 450 feet (dimensioned from mean sea level). Architectural appurtenances shall be permitted to extend to height of 469 feet above sea level as shown in the approved Basic Concept Drawings for the project

2. Parking

The development includes approximately 419 parking spaces provided in three below-grade parking levels. A minimum of 116 spaces shall be dedicated to the project's residential component, and shall be designed to City Standards. If any additional residential parking spaces are designed with dimensions less than the City Standards, future buyers 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 12 motorcycle spaces shall be provided along with storage area for a minimum of 47 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 or to the outside of the parkade wall if the shoring system is removed to a depth of at least eight feet below sidewalk grade. 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.

3. Airport Approach Overlay Zone

The Permittee shall comply with the procedures established by the City of San Diego Airport Approach Overlay Zone (and any successor or amendment thereto) for structures which exceed 30 feet in height (Chapter 13, Article 2, Division 2 of the San Diego Municipal Code) and shall be required to obtain a valid Federal Aviation Administration (FAA) "Determination of No Hazard to Air Navigation" or a No FAA Notification Self-Certification Agreement under City of San Diego Information Bulletin No. 503 prior to issuance of any building permits.

4. 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.

5. 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.

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PLANNING AND DESIGN REQUIREMENTS

6. 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 one hundred (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 – A pool/amenity deck shall be provided at the 4th floor as depicted in the approved Basic Concept Drawings. An additional common roof deck area shall be provided at the 4th floor.
- c. Common Indoor Space – Common indoor residential amenity spaces shall be provided for the project residents on the 1st, 2nd and 3rd floors as depicted in the approved Basic Concept Drawings.
- 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.

7. Broadway Frontage - Commercial Space Design

One hundred (100) percent of the building ground floor frontage facing Broadway shall be used only for commercial purposes, including but not limited to office or hotel lobby or commercial lease space. Such commercial space shall maintain a minimum average depth of twenty-five (25) feet and a minimum average ground floor height of twenty (20) feet along the linear frontage adjacent to Broadway (measured from the northwest corner to the northeast corner of the retail façade).

8. Urban Design Standards

The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the CCPDO 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 Columbia neighborhood and the site's location as shown in the approved Basic Concept/Schematic Drawings on file with CSD. 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 41-story building with a height of 450 feet (dimensioned from mean sea level). Architectural appurtenances shall be permitted to extend to height of 469 feet above sea level as shown in the approved Basic Concept Drawings for the project. 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 CSD. 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.

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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 provided off E street, with one driveway providing access to the project's below grade parking levels and a second providing access to the project's loading dock.
- 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. All window washing equipment shall be screened from view when not in use (i.e. window washing davits).
 - k. Signage - All signs shall comply with the City of San Diego Sign Regulations and the CCPDO.
 - 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.
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. Public Art Obligation

The Owner/Permittee shall submit for review and approval a Conceptual Art Plan that satisfies the project's required public art obligation under the Bosa Public Art Master Plan on file in the offices of CSD. The Conceptual Art Plan shall be submitted to CSD for review and approval prior to issuance of a building permit for the development. A Final Art plan shall be submitted upon installation of the artwork and prior to issuance of Certificate of Occupancy.

PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS11. 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:

	Pacific Highway	Broadway	E Street
Paving	Pacific Highway Paving	Per North Embarcadero Visionary Plan	CSD Standard
Street Trees	Mexican Fan Palm		Fern Pine
Street Lights	Gateway Street Lights		Standard Street Lights

All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CSD 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 CSD, 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 CSD 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 – Six (6) CSD public trash receptacles shall be provided (one at each lot corner and two on midblock locations on the Pacific Highway and rail corridor frontages).
- 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 CSD. 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. Broadway Plaza

The Owner/Permittee shall develop the 50-foot setback area adjacent to Broadway as an open space plaza area with landscape and hardscape improvements in substantial conformance with the design shown in the approved Basic Concept Drawings. The final plaza design, including hardscape, landscape, seating areas and water features, shall be approved by CSD prior to the issuance of the first construction permit for the project.

ENVIRONMENTAL REQUIREMENTS

13. 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, CSD, 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.

14. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP)

As required by the San Diego Municipal Code Section 156.0304 (f), the development shall comply with all applicable MMRP measures from the 2006 Final Environmental Impact Report (FEIR) for the Downtown Community Plan as specified in the Downtown FEIR Consistency Evaluation prepared for the development.

15. 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 environmental initial study. Prior to issuance of any excavation or Grading Permit, the Permittee shall submit a Letter of Qualifications for each monitoring agent to CSD. 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 environmental initial study prepared for the project.

GENERAL REQUIREMENTS

16. Buyer Disclosures

Covenants, Conditions, and Restrictions (CC&R's) shall be recorded on each residential unit disclosing the fact that there exists a railway corridor adjacent to the project that operates 24 hours a day and may create noise, vibration, fumes, and particulate matter (dust).

17. 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 San Diego Civic Center complex. Upon acceptance by CSD, 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 CSD for its use.

18. 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.

19. 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

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(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 _____.

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 CSD for approval prior to installation.

20. This Centre City Development/Coastal 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.
21. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
22. 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.
23. 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.
24. 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

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shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

25. 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.
26. 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/Coastal Development Permit is granted by Civic San Diego on September 7, 2012.

CIVIC SAN DIEGO

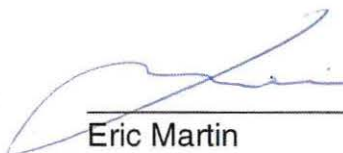
PERMITTEE SIGNATURE



Brandon Nichols
Senior Planner

11.21.12

Date



Eric Martin
Bosa Development California II, Inc.
Owner/Permittee

11.28.12

Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

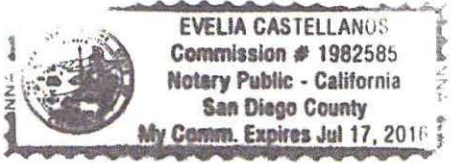
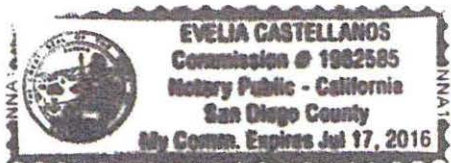
CIVIL CODE § 1189

State of California

County of San Diego

On Nov. 21, 2012 before me, Evelia Castellanos, Notary Public

personally appeared Brandon Nichols



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: Evelia Castellanos

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: Centre City Development Permit & Coastal Development

Document Date: November 21, 2012 Number of Pages:

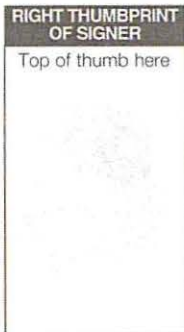
Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: Brandon Nichols

Signer's Name: N/A

- Corporate Officer, Individual, Partner, Attorney in Fact, Trustee, Guardian or Conservator, Other: [checked]



- Corporate Officer, Individual, Partner, Attorney in Fact, Trustee, Guardian or Conservator, Other:



Signer Is Representing: self

Signer Is Representing:

4359

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

Name of the Notary: Evelia Castellanos

Commission Number: 1982585 Date Commission Expires: 7/17/2016

County Where Bond is Filed: SAN Diego

Manufacturer or Vendor Number: NNAI
(Located on both sides of the notary seal border)

Signature: Michal Unte
Firm Name (if applicable)

Place of Execution: SAN Diego Date: 11/28/2012

4360

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On Nov. 28, 2012 before me, Lori C. Carpenter, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Eric Martin
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 Lori C. Carpenter
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: Coastal Development Permit

Document Date: 9-7-12 Number of Pages: 16

Signer(s) Other Than Named Above: Brandon Nichols

Capacity(ies) Claimed by Signer(s)

Signer's Name: Eric Martin

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: Bosa Development CA II, Inc.

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

**HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1137933
BROADWAY & PACIFIC MAP WAIVER - PROJECT NO. 313405
ADOPTED BY RESOLUTION NO. XXXX ON NOVEMBER 6, 2103**

DRAFT

GENERAL

1. This Map Waiver will expire on November 21, 2016.
 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 Certificate of Compliance unless otherwise noted.
 3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
 4. Prior to the recordation of the Certificate of Compliance, 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.
-
5. The Certificate of Compliance shall conform to the provisions of Coastal Development Permit No. 623941.
 6. 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 the Subdivider of any claim, action, or proceeding, or if the 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 bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AIRPORT

7. Prior to recordation of the Certificate of Compliance the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

ENGINEERING

8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. The Subdivider shall dedicate additional right-of-way adjacent to the curb return, located at the southeast corner of West Broadway and Pacific Highway, to provide a minimum of 10 feet curb to property line distance.
11. The Subdivider shall grant to the City the pedestrian easement adjacent to the curb return, located at the southeast corner of West Broadway and Pacific Highway, to provide adequate landing for proposed curb ramp.
12. The Subdivider shall obtain an Encroachment Maintenance Agreement for the underground parking structure located within the City's rights-of-way.
13. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drain and tree grates locate within the City's right-of-way.
14. The Subdivider shall close all existing driveways on E Street and construct one 22-foot and one 30-foot wide City standard driveways, on E Street, per Standard Drawing SDG-160.
15. The Subdivider shall replace the existing curb and gutter with the modified curb, along the project frontage on west Broadway.
16. The Subdivider shall replace the existing curb and gutter with City standard curb and gutter along the project frontage on E Street.
17. The Subdivider shall install City standard sidewalk along the project frontages on west Broadway, Pacific Highway and west E Street.
18. The Subdivider shall relocate the existing curb inlet located on Pacific Highway.

19. The Subdivider shall replace the existing curb ramp with modified curb ramp with truncated dome locate at the southeast corner of west Broadway and Pacific Highway.
20. The Subdivider shall replace the existing curb ramp with City standard curb ramp with truncated dome locate at the northeast corner of Pacific Highway and West E Street.
21. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
23. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance.
24. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
25. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the Water Quality Technical Report.
26. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
27. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 in accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be

calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

28. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
29. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

30. Prior to the issuance of a Certificate of Compliance, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set. If any property corners are missing, they must be set and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.

WATER & SEWER

31. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
32. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

GEOLOGY

33. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego "Guidelines for Geotechnical Reports" satisfactory to the City Engineer.

INFORMATION:

- The approval of this Map Waiver 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 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then 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.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- 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. 24003582

RESOLUTION NO. XXXX
NOVEMBER 6, 2013
A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING
TENTATIVE MAP WAIVER NO. 1137933 FOR THE
BROADWAY & PACIFIC MAP WAIVER- PROJECT
NO. 313405

DRAFT

WHEREAS, BOSA DEVELOPMENT CALIFORNIA II, INCORPORATED, Owner/Subdivider submitted an application with the City of San Diego for Tentative Map Waiver No. 1137933, to waive the requirement for a Tentative Map for the subdivision of 1.38-acre site into one (1) lot for 221 units for residential and six (6) units of commercial condominium development. This subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 227 (6 commercial units and 221 residential units). The project site is located on the southeast corner of Pacific Highway & West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones within the Downtown Community Plan. The property is legally described as Parcel 1 of Parcel Map No. 19274; and

WHEREAS, the Map proposes the subdivision of a 1.38-acre site into one (1) lot for 221 units for residential and 6 units for commercial and condominium development; and

WHEREAS, on August 12, 2011, the City of San Diego, as Lead Agency, through

the Development Services Department, determined to be 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 CEQA Guidelines Section §15378(c) and 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, and a Environmental Secondary Study (ESS) dated July 19, 2010 prepared in accordance with CEQA and State and local guidelines. Pursuant to Section 21166 of CEQA, there is no substantial change in circumstance, new additional information or substantial 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 report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on November 6, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 1137933 and pursuant to section 125.0120 (map waiver) of the San Diego Municipal Code 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 Map Waiver No. 1137933:

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 Act §§ 66473.5, 66474(a), and 66474(b)).

The proposed project is a Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The site is designated Core by the Downtown Community Plan. It is located within the Columbia Neighborhood/District. The Neighborhood/District is planned for high intensity mixed-use development. Located between Civic/Core and the waterfront, this neighborhood caters to visitor-serving uses and includes large hotels and office buildings. Recently, the district has seen high-rise residential development as well and requires street frontage activity at this site, such as commercial uses. Improved waterfront connections are a major thrust in planning for this neighborhood. 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 (San Diego Municipal Code § 125.0440(b)).

The proposed project is a Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The proposed subdivision was determined to be consistent with the development regulations of the Centre City Planned District which includes height, setbacks, floor area ratio, landscaping and architectural design and no deviations are requested. 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 Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The proposed subdivision was determined to be consistent with the development regulations of the Centre City Planned District which includes height, setbacks, floor area ratio, landscaping and architectural design. The site is designated Core by the Downtown Community Plan. It is located within the Columbia Neighborhood/District. The Neighborhood/District is planned for high intensity mixed-use development. Located between Civic/Core and the waterfront, this neighborhood caters to visitor-serving uses and includes large hotels and office buildings. Recently, the district has seen high-rise residential development as well and requires street frontage activity at this site, such as commercial uses. Improved waterfront connections are a major thrust in planning for this neighborhood. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are 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 Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

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 Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate public improvements and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The project was determined to be 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 CEQA Guidelines Section §15378(c) and 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, and a Environmental Secondary Study (ESS) dated July 19, 2010 prepared in accordance with CEQA and State and local guidelines. Pursuant to Section 21166 of CEQA, there is no substantial change in circumstance, new additional information or substantial 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 Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan. The proposed subdivision will not conflict with any easements acquired for use by the public at large for access through or use of the property. All of the easements required to serve the mixed use development are existing

or will be provided as a part of this subdivision including public and private utilities as well as pedestrian and vehicle right-of-ways.

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 Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan. No construction or grading is permitted by this Tentative Map Waiver No. 1137933. All development was previously approved by the Civic Centre Development Permit/CDP No. 2012-23 and would not impact 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 Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and determined those needs are balanced with the needs for public services and available resources. Specifically, the development of 221 for-sale residential units and six commercial areas would implement recommendations of the Downtown Community Plan with the inclusion of housing opportunities and viable commercial space. Located between Civic/Core and the waterfront, this neighborhood caters to residents and visitor-serving uses and includes high-rise residential development, large hotels and office buildings. The mixed use development would continue the steady growth and revitalization of the area with the influx of both homeowners and businesses.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted

pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The proposed project is a Tentative Map Waiver and Coastal Development Permit (CDP) to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The proposed subdivision complies with all requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto as there are no proposed physical changes to the site with the subdivision.

That said 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, Map Waiver No. 1137933 is hereby granted to BOSA DEVELOPMENT CALIFORNIA II, INCORPORATED 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: Map Waiver Conditions
Internal Order No. 24003582

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003582

COASTAL DEVELOPMENT PERMIT NO. 1191670
BROADWAY & PACIFIC MAP WAIVER PROJECT NO. 313405
HEARING OFFICER
DRAFT

This COASTAL DEVELOPMENT PERMIT NO. 1191670 is granted by the Hearing Officer of the City of San Diego to BOSA DEVELOPMENT CALIFORNIA II, INCORPORATED Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 1.38-acre site is located on the corner of Pacific Highway & West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable) and Parking Impact Overlay Zone within the Downtown Community Plan. The property is legally described as Parcel 1 of Parcel Map No. 19274.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the subdivision of 1.38-acre site into one (1) lot for 6 units of commercial and 221 units for residential condominium development described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 6, 2013, on file in the Development Services Department.

The project shall include:

- a. The subdivision of land into one (1) lot for 6 units of commercial and 221 units for residential condominium development;
- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November 21, 2013.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. The Owner/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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/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, Owner/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 Owner/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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

10. 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 Owner/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 Owner/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.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

AIRPORT REQUIREMENTS:

12. Prior to issuance of grading permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on November 6, 2013 and Resolution No. XXXX.

HEARING OFFICER RESOLUTION NO. XXXX
COASTAL DEVELOPMENT PERMIT NO. 623941
BROADWAY & PACIFIC MAP WAIVER PROJECT NO. 313405
DRAFT

WHEREAS, BOSA DEVELOPMENT CALIFORNIA II, INCORPORATED, Owner/Permittee, filed an application with the City of San Diego for a permit create 221 units for residential condominium development and six (6) units for commercial condominium development (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 623941), on portions of a 1.38-acre site;

WHEREAS, the project site is located at the southeast corner of Pacific Highway & West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable) and Parking Impact Overlay Zones within the Downtown Community Plan;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 19274;

WHEREAS, on November 6, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 623941 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, 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 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, and a Environmental Secondary Study (ESS) 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; and

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated November 6, 2013;

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan; and the proposed coastal**

development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed project is a Coastal Development Permit (CDP) and a Tentative Map Waiver to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The project site is approximately 0.1-mile from the San Diego Bay. There are no existing physical access ways legally used by the public or any proposed access way identified in a Local Coastal Program Land Use Plan from this site to the ocean or other scenic coastal areas. There are no views, public or private, to and along the ocean or any other scenic coastal areas from the site. The proposed coastal development will have no impact upon public views to and along the ocean or other scenic coastal areas and will not enhance any such view as no such views of these resources exist from the site. Neither will the proposed coastal development enhance or impact any physical access way legally used by the public or any proposed access way identified in a Local Coastal Program Land Use plan as no such access is identified from this site to these resources and none exist.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The proposed project is a Coastal Development Permit (CDP) and a Tentative Map Waiver to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The site is located in an urbanized part of the city. The proposed coastal development will not adversely affect any environmentally sensitive lands as none exist on the subject site. The coastal development is proposed at a site where no sensitive resources have been identified.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed project is a Coastal Development Permit (CDP) and a Tentative Map Waiver to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously

approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The project design was reviewed by City Staff and found to be in compliance with all of the applicable development regulations, primarily those of the Subdivision Map Act. The development of this site was found to be in conformity with the certified Local Coastal Program land use plan and in compliance with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed project is a Coastal Development Permit (CDP) and a Tentative Map Waiver to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zones, within the Downtown Community Plan.

The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed project is designed to take access off the existing public street, with adequate off street parking. Thus the proposed will be in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 623941 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 623941, a copy of which is attached hereto and made a part hereof.

Renee Mezo
Development Project Manager

Development Services

Adopted on: November 6, 2013

Internal Order No. 24003582



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**
 Pacific Highway and West Broadway 313405
Project Address:
 Southeast corner of Pacific Highway and West Broadway

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

Project Title: _____ Project No. (For City Use Only) 313405

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? CA 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):
Bosa Development California II, Inc
 Owner Tenant/Lessee
 Street Address:
201 King Street
 City/State/Zip:
San Francisco, CA 94107
 Phone No: (415)618-0161 Fax No: (415)618-0256
 Name of Corporate Officer/Partner (type or print):
Andrea Jones
 Title (type or print):
Vice President Northern CA.
 Signature: *Andrea Jones* Date: 2/11/13

Corporate/Partnership Name (type or print):

 Owner 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):

 Owner 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):

 Owner 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):

 Owner 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):

 Owner 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 23, 2013

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	November 6, 2013
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 MAP WAIVER, COASTAL DEVELOPMENT PERMIT, ENVIRONMENTAL IMPACT REPORT (PREVIOUSLY CERTIFIED), PROCESS 3
PROJECT NO:	<u>313405</u>
PROJECT NAME:	<u>BROADWAY & PACIFIC MAP WAIVER</u>
APPLICANT:	LISA LEWEK
COMMUNITY PLAN AREA:	DOWNTOWN
COUNCIL DISTRICT:	DISTRICT 3
CITY PROJECT MANAGER:	RENEE MEZO, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5001 or rmezo@sandiego.gov

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 a Coastal Development Permit (CDP) and a Tentative Map Waiver to create 221 residential condominium units and six (6) commercial condominium units (proposed for construction in accordance with the previously approved Civic Centre Development Permit/CDP No. 2012-23). The 1.38-acre site is located on the southeast corner of Pacific Highway and West Broadway in the Centre City Planned District, the Coastal Overlay (Non-Appealable Zone 2) and the Parking Impact Overlay Zone, within the Downtown Community Plan. This application was filed on April 16, 2013.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

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

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 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 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, and a Environmental Secondary Study (ESS) 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.

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: 24003582

Revised 04/08/10 HRD