



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: May 20, 2015 REPORT NO. HO 15-068

ATTENTION: Hearing Officer

SUBJECT: KETTNER AND ASH
PROJECT NUMBER: 362926

LOCATION: 1372 Kettner Boulevard

APPLICANT: Lisa Lewek

SUMMARY

Issues: Should the Hearing Officer approve a Tentative Map Waiver and Coastal Development Permit to create commercial condominiums and 285 residential condominiums located at 1372 Kettner Boulevard within the Downtown Community Plan Area?

Staff Recommendation:

APPROVE Tentative Map Waiver No. 1275208;

APPROVE Coastal Development Permit No. 1314222.

Community Planning Group Recommendation: At the June 18, 2014, meeting of the Downtown Community Planning Council, the project was unanimously approved with no recommendations (Attachment 7).

Environmental Review: The Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO) certified March 14, 2006 (Agency Resolution R-04001 / City Council Resolution No. R-301265), subsequent addenda to the FEIR certified July 31, 2007 (Agency Resolution R-04193 / City Council Resolution No. R-302932); Downtown FEIR Secondary Study (May 2011). In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): 1) no substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. Therefore, the certified FEIR and subsequent Addenda for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO), and the Secondary Study (prepared by Civic San Diego for the Kettner and Ash Project, May 2011) adequately covers the Kettner and Ash Map Waiver.

BACKGROUND

The 1.05-acre site vacant lot is located at 1372 Kettner Boulevard (Attachment 1), bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of the Downtown Community Plan (Attachment 2). The site currently contains a surface parking lot with the Metropolitan Transit System Trolley tracks directly to the east.

Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the construction of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

DISCUSSION

Project Description:

The project requires a Tentative Map Waiver and Coastal Development Permit per San Diego Municipal Code (SDMC) Sections 125.0120 and 126.0702 to create four commercial condominiums and 285 residential condominiums. The project as proposed requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to SDMC Section 125.0123, Findings for Map Waiver, the decision maker may approve a Tentative Map if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

The project has been conditioned to ensure that all existing onsite utilities as well as any new utility services serving the site shall be undergrounded with the appropriate permits. The subdivision has also been conditioned to comply with the City-wide Affordable housing Regulations.

The proposed subdivision is consistent with the development regulations of the underlying zones and complies with setbacks, floor area ratio, landscaping and parking and no deviations are requested with this action. Therefore, the site complies with the applicable zoning and development regulations of the Land Development Code.

Community Plan Analysis

The project site is located within the Columbia Neighborhood of the Downtown Community Plan. The Plan indicates that this neighborhood is situated on the western edge of downtown and Columbia's distinguishing characteristic is its waterfront orientation. The plan requires a step back of 25 feet at a building height of 50 feet and this project has been designed accordingly. The plan indicates that Columbia is a diverse neighborhood comprising office buildings, hotels, retail uses, residential development, and museums. The plan states that Columbia is home to some of San Diego's tallest buildings, has a high-rise concentration of towers, yet has significant development potential for high-intensity office, residential, hotel, and cultural activity. Activity and development is planned to be well organized in this high-intensity area. The plan wants Columbia to develop as a mixed-use district, with an energetic waterfront that serves local needs and has a regional draw, relating to both the San Diego Bay and the Civic/Core district. The project has been designed to implement these goals and policies. The project includes mixed uses, including a commercial component and residential component within a tower that continues the intense nature of development in the district. Consistent with the plan, the design of the project ensures that building height, massing, and tower spacing affords greater visual penetration closer to the water. The project also ensures that development along streets offers a rich visual experience; is engaging to pedestrians; and contributes to street life, vitality, and safety.

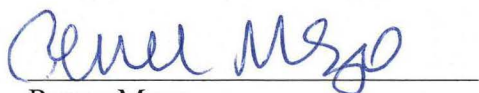
Conclusion:

Staff has reviewed the request for a Tentative Map Waiver and Coastal Development Permit and had 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 the Hearing Officer approve Tentative Map Waiver No. 1275208 and Coastal Development Permit No. 1314222 (Attachments 3 and 4).

ALTERNATIVES

1. **Approve** Tentative Map Waiver No. 1275208 and Coastal Development Permit No. 1314222, **with modifications.**
2. **Deny** Tentative Map Waiver No. 1275208 and Coastal Development Permit No. 1314222, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Renee Mezo
Project Manager
Development Services Department

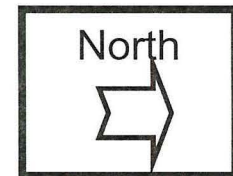
Attachments:

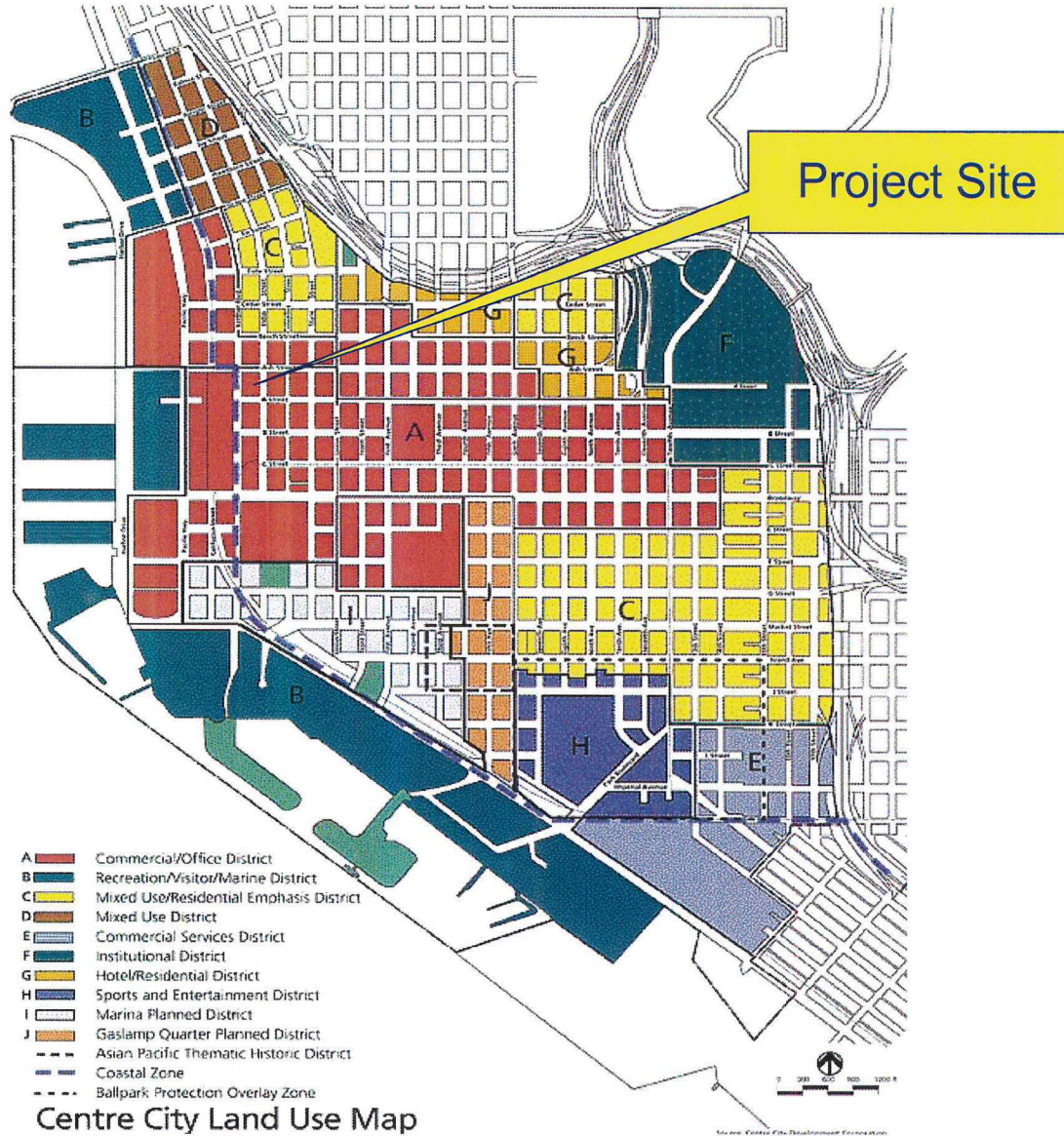
1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Tentative Map Conditions and Findings
4. Draft Coastal Development Permit with Findings
5. Environmental Memo
6. Map Exhibit
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Previous Permit (Centre City Development Permit/Coastal Development Permit No. 2011-14)
10. Photos



Location Aerial Photo

Kettner and Ash Map Waiver – 1372 Kettner Blvd
PROJECT NO. 362926





Project Site



Land Use Map

KETTNER AND ASH MAP WAIVER- 1372 KETTNER BLVD

PROJECT NO. 362926



RESOLUTION NO. _____
DATE OF FINAL PASSAGE MAY 20, 2015

**A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING
TENTATIVE MAP WAIVER NO. 1275208 FOR
KETTNER AND ASH- PROJECT NO. 362926**

DRAFT

WHEREAS, Bosa Development California II, Incorporated, Subdivider, and Kettler and Lewek, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1275208, to waive the requirements for a Tentative Map. The project site is located 1372 Kettner Boulevard bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of Downtown Community Plan; and

WHEREAS, the property is legally described as Parcel 1 of Parcel Map. No. 20582; and

WHEREAS, the Map proposes the subdivision of a 1.05-acre site to create four commercial condominiums and 285 residential condominiums; and

WHEREAS, The Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO) certified by the City Council on 03/14/06 (Agency Resolution R-04001), subsequent addenda to the FEIR certified 08/03/07 (Agency Resolution R-04193), 04/21/10 (Resolutions R-04508 & R-04510), and 08/03/10 (Resolution R-

04544); Downtown FEIR Secondary Study (May 2011). In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): 1) no substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. Therefore, the certified FEIR and subsequent Addenda for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO), and the Secondary Study (prepared by Civic San Diego for the Kettner and Ash Project, May 2011) adequately covers the Kettner and Ash Map Waiver.

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, on May 20, 2015, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 1275208, and pursuant to section 125.0122 (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, required by SDMC Sections 125.0123 and 125.0440 with respect to Tentative Map Waiver No. 1275208:

1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

The project site is located within the Columbia Neighborhood of the Downtown Community Plan. The plan indicates that this neighborhood is situated on the western edge of downtown and Columbia's distinguishing characteristic is its waterfront orientation. The plan indicates that Columbia is a diverse neighborhood comprising office buildings, hotels, retail uses, residential development, and museums. The plan states that Columbia is home to some of San Diego's tallest building, has a high-rise concentration of towers, yet has significant development potential for high-intensity office, residential, hotel, and cultural activity. Activity and development is planned to be well organized in this high-intensity area. The plan wants Columbia to develop as a mixed-use district, with an energetic waterfront that serves local needs and has a regional draw, relating to both the San Diego Bay and the Civic/Core district. The project has been designed to implement these goals and policies. The project includes mixed uses, including a commercial component and residential component within a tower that continues the intense nature of development in the district. Consistent with the plan, the design of the project ensures that building height, massing, and tower spacing affords greater visual penetration closer to the water.

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

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

The 1.05-acre site vacant lot is located at 1372 Kettner Boulevard, bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of the Downtown Community Plan.

The proposed subdivision is consistent with the development regulations of the underlying zones and complies with setbacks, floor area ratio, landscaping and parking and no deviations are requested with this action. Therefore, the site complies with the applicable zoning and development regulations of the land Development Code.

3. The site is physically suitable for the type and density of development.

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

The proposed subdivision would be consistent with the recommended commercial and residential land use and density range of Downtown Community Plan and would comply with the underlying zoning regulations. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and 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.

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

The site is within an existing developed urban in-fill area and does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or with the Multiple Habitat Planning Area. Therefore, 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.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

The project has been reviewed and is in compliance with the Municipal Code and the Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the continued operation of the development to this project. Therefore, the design of the subdivision or the type of improvements will 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.

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

Other than the subdivision to allow condominium ownership, no other changes are requested, and the project does not include additional development of the property. Existing public easements for pedestrian access, drainage, and utility purposes will remain and subdivision and the associated improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

The proposed subdivision will not impeded or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading. Design guidelines and conditions of the above referenced development permit have been adopted for the future construction of the residential and commercial units and provide opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The project requires a Tentative Map Waiver to create four commercial condominiums and 285 residential condominiums. Centre City Development Permit/Coastal Development Permit (CCDC/CDP) No. 2011-14 was approved on March 10, 2012 for the development of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space. Other than the subdivision to allow condominium ownership, no other changes are requested, and the project does not include additional development of the property. The subdivision has been conditioned to comply with the City-wide Affordable housing Regulations. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed subdivision will not adversely impact the housing needs of the Downtown Community Plan area.

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. 1275208 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. 24004552

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1275208
KETTNER AND ASH MAP WAIVER- PROJECT NO. 342192
ADOPTED BY RESOLUTION NO. XXXX ON MAY 20, 2015

DRAFT

GENERAL

1. This Map Waiver will expire on June 4, 2018.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.
3. Prior to the Map Waiver expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
5. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
6. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 1314222 and Centre City Development Permit/Coastal Development Permit No. 2011-14.
7. 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

8. Prior to recordation of the Parcel Map, the Subdivider shall provide a valid “Determination of No Hazard to Air Navigation” issued by the Federal Aviation Administration (FAA).

ENGINEERING

9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. 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.
11. 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

12. “Basis of Bearings” means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
13. “California Coordinate System” means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is “Zone 6,” and the official datum is the “North American Datum of 1983.”
14. Every Parcel Map shall:
 - a. Use the California Coordinate System for its “Basis of Bearing” and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES

15. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, valves, etc.) for all public water facilities that are not located within fully improved public right-of-ways. Easements, as shown on the approved tentative map, will require modification based on standards and final engineering.
16. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
17. For any portion of the subdivision which will have gated access, then the subdivider shall provide keyed access to the Water Operations Branch of the Public Utilities Department in a manner satisfactory to the Public Utilities Director. The City will not be responsible for any issues that may arise relative to the availability of keys.
18. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and within five feet of any water facilities.
19. Prior to the recording of the Final Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

GEOLOGY

20. 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), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the 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.
- 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. 24004552

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004552

COASTAL DEVELOPMENT PERMIT NO 1314222
KETTNER AND ASH - PROJECT NO. 342192
HEARING OFFICER
DRAFT

This Coastal Development Permit No. 1314222 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 1.05-acre site is located at 1372 Kettner Boulevard bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of Downtown Community Plan. The project site is legally described as: Parcel 1 of Parcel Map. No. 20582.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create commercial and residential condominiums described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 20, 2015, on file in the Development Services Department.

The project shall include:

- a. Four (4) units of commercial condominiums;
- b. 285 residential condominiums;
- c. Off-street parking;
- d. 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 June 4, 2018.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate applications or amendments to this Permit have been granted.

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" conditions(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.

11. 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.

AFFORDABLE HOUSING REQUIREMENTS:

12. 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.).

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of **484** off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

14. This project is also subject to the Civic San Diego Permit No. CCDP/CDP No. 2011-14 approved on March 10, 2012, for the construction of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

15. This project is also subject to the Tentative Map Waiver No. 1275208.

16. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

17. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

18. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

19. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond the abandonment of the existing 12-inch diameter water main within 'A' Street right-of-way as shown on approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.

21. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

22. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

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 May 20, 2015 and Resolution No. XXXX.

**HEARING OFFICER RESOLUTION NO. XXXX
COASTAL DEVELOPMENT PERMIT NO 1314222
KETTNER AND ASH - PROJECT NO. 342192**

WHEREAS, Bosa Development California II, Incorporated, Owner/Permittee, filed an application with the City of San Diego for a permit to create commercial and residential condominiums (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1314222), on portions of a 1.05-acre site;

WHEREAS, the project site is located at 1372 Kettner Boulevard bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of Downtown Community Plan;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map. No. 20582;

WHEREAS, on May 20, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1314222 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, The Final Environmental Impact Report (FEIR) for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO) certified March 14, 2006 (Agency Resolution R-04001 / City Council Resolution No. R-301265), subsequent addenda to the FEIR certified July 31, 2007 (Agency Resolution R-04193 / City Council Resolution No. R-302932); Downtown FEIR Secondary Study (May 2011). In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): 1) no substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. Therefore, the certified FEIR and subsequent Addenda for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO), and the Secondary Study (prepared by Civic San Diego for the Kettner and Ash Project, May 2011) adequately covers the Kettner and Ash Map Waiver.

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 May 20, 2015, pursuant to SDMC Section 126.0708.

FINDINGS:

1. **The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway 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 1.05-acre site vacant lot is located at 1372 Kettner Boulevard, bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of the Downtown Community Plan (Attachment 2). Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the construction of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space. The proposed subdivision will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way indentified in the Local Coastal Program land use plan. The proposed project does not contain a scenic overlook and there are no view corridors that extend or cross the proposed development as identified in the Local Coastal Program. The project enhances and protects public views to and along the ocean and other scenic coastal areas to the extent required by the Local Coastal Program and the Downtown Community Plan.

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

The project site is located within an existing developed urban in-fill area and does not contain nor is it adjacent to any environmentally sensitive lands and therefore would not adversely affect any environmentally sensitive lands.

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 project site is located within the Columbia Neighborhood of the Downtown Community Plan. The plan indicates that this neighborhood is situated on the western edge of downtown and Columbia's distinguishing characteristic is its waterfront orientation. The plan indicates that Columbia is a diverse neighborhood comprising office buildings, hotels, retail uses, residential development, and museums. The proposed project is the subdivision of land only and complies with the Coastal Overlay zone, the certified Local Coastal Program land use plan and the 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 1.05-acre site is located within an existing developed urban in-fill residential and commercial are and is not located between the nearest public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The site is not within any area identified as public access area and complies with the public recreation policies of Chapter 3 of the California Coastal Act. Therefore, the proposed project is in conformance with the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1314222 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. 1314222, a copy of which is attached hereto and made a part hereof.

Renee Mezo
Development Project Manager
Development Services

Adopted on: May 20, 2015

SAP or WBS Number: 24004552



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: May 1, 2015

TO: Renee Mezo, Project Manager, Development Services Department

FROM: E. Shearer-Nguyen, Senior Planner, Planning Department

SUBJECT: Kettner and Ash Map Waiver (Project No. 362926), California Environmental Quality Act - Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 consistency evaluation for the requested action associated with the Kettner and Ash Map Waiver. This evaluation was conducted to provide supporting documentation that none of the conditions specified in the State CEQA Guidelines Section 15162 exist that require the preparation of a new environmental document. This evaluation is intended to demonstrate that no new impacts would occur as a result of the Kettner and Ash Map Waiver. The review was limited to consideration of CEQA issues evaluated in the previously certified FEIR and subsequent Addenda for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO), and the Secondary Study (prepared by Civic San Diego for the Kettner and Ash Project, May 2011).

The FEIR is a "Program EIR" as described in Section 15168 of the CEQA Guidelines. The aforementioned environmental document is the most recent and comprehensive environmental document pertaining to the proposed project. At that time, the Secondary Study was prepared in compliance with the former San Diego Redevelopment Agency's amended "Procedures for Implementation of CEQA and the State CEQA Guidelines" (adopted July 17, 1990). Under these Agency Guidelines, environmental review for subsequent proposed actions was accomplished through use of the Secondary Study process defined in the Agency Guidelines, as allowed by Sections 15168 and 15180 of the CEQA Guidelines. The Secondary Study **15th and Island Project 3 September 2011** included the same evaluation criteria as the Initial Study defined in Section 15063 of the CEQA Guidelines.

The following environmental documents were reviewed for the requested actions:

- FEIR for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO) certified March 14, 2006 (Agency Resolution R-04001 / City Council Resolution No. R-301265), subsequent addenda to the FEIR certified July 31, 2007 (Agency Resolution R-04193 / City Council Resolution No. R-302932);
- Downtown FEIR Secondary Study (May 2011)

BACKGROUND INFORMATION

The 1.05-acre site vacant lot is located at 1372 Kettner Boulevard, bounded by Ash Street, Kettner Boulevard, 'A' Street and California Street in the Centre City Planned District 2, Core (C) District, the Airport Influence Area and the Coastal Overlay (non-appealable) Zones within the Columbia Neighborhood of the Downtown Community Plan (Attachment 2). The site currently contains a surface parking lot with the Metropolitan Transit System Trolley tracks directly to the east.

Centre City Development Permit/Coastal Development Permit No. 2011-14 was approved on March 10, 2012 for the construction of a 36-story residential mixed-use development consisting of 285 residential units and approximately 11,550 square-feet of commercial space.

The project requests a Map Waiver and Coastal Development Permit to create six commercial condominiums and 285 residential condominiums.

CEQA 15162 CONSISTENCY EVALUATION

The FEIR for the Downtown Community Plan FEIR and subsequent addenda concluded that development would result in significant impacts as detailed below:

Significant but Mitigated Impacts

- ⊗ Air Quality: Construction Emissions
- ⊗ Paleontology: Impacts to Significant Paleontological Resources
- ⊗ Noise: Interior Traffic Level Increase on Grid Streets

Significant and Not Mitigated Impacts

- ⊗ Air Quality: Mobile Source Emissions
- ⊗ Historical Resources: Archeological
- ⊗ Water Quality: Urban Runoff
- ⊗ Land Use: Physical Changes Related to Transient Activity
- ⊗ Noise: Exterior Traffic Level Increase on Grid Streets
- ⊗ Noise: Exterior Traffic Noise in Residential Development
- ⊗ Traffic: Impact on Surrounding Streets

- ⊙ Traffic: Impact on Freeway Ramps and Segments
- ⊙ Parking: Excessive Parking Demand

Furthermore, the previously prepared Secondary Study for the Kettner and Ash Project determined that the project was adequately addressed in the environmental documents noted above and there is no change in circumstance, substantial additional information, or substantial project changes to warrant additional environmental review.

This 15162 Consistency Evaluation relies upon both the city project review and the Secondary Study; the evaluation reaches the same conclusion because the project under review is a required map action to reflect the previously approved project, which received a previous approval from another agency. The evaluation substantiates the conclusion that supports a determination that no subsequent document is required.

CONCLUSION

Overall, it is not anticipated that the requested actions associated with the Kettner and Ash Map Waiver would result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified/adopted environmental documents. The requested actions would not result in new impacts or changed circumstances that would require preparation of a new environmental document.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

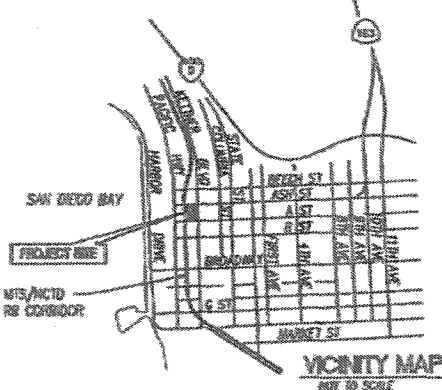
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

DSD finds that none of the three criteria listed above has occurred. In addition, this evaluation supports the use of the certified FEIR and subsequent Addenda for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO), and the Secondary Study (prepared by Civic San Diego for the Kettner and Ash Project, May 2011) for the proposed project pursuant to CEQA Guidelines Section 15162.

Therefore, the certified FEIR and subsequent Addenda for the Centre City Redevelopment Plan (now referred to as the Downtown Community Plan) & Planned District Ordinance (PDO), and the Secondary Study (prepared by Civic San Diego for the Kettner and Ash Project, May 2011) adequately covers the Kettner and Ash Map Waiver being proposed.

E. Shearer-Nguyen
Senior Planner

TENTATIVE MAP WAIVER NO. 1275208



OWNER/DEVELOPER STATEMENT

BOON DEVELOPMENT CALIFORNIA, LLC
 IF THE OWNERS ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP, HEREBY APPROVE AND SIGN THIS STATEMENT.

BY: *[Signature]*
 NAME: ANDREA GILES
 TITLE: VICE PRESIDENT

BENCHMARK

CITY OF SAN DIEGO BENCH MARK AT THE INTERSECTION CORNER OF KETNER BOULEVARD AND ASH STREET
 ELEVATION: 2543' MSL (NVCB 210)

SOURCE OF TOPOGRAPHY

THE TOPOGRAPHY FOR THIS SITE IS PER AERIAL SURVEY DONE ON NOVEMBER 2013 BY PROJECT DESIGN CONSULTANTS, AND FIELD SURVEYS ON 12/20/13, 1/20/14 AND 6/20/14 BY PROJECT DESIGN CONSULTANTS.

EARTHWORK QUANTITIES

AREA TO BE GRADED = 22,803 SF

EXPOSED: 14,800 CU YD

QUANTITIES SHOWN ARE FOR ESTIMATION PURPOSES ONLY.

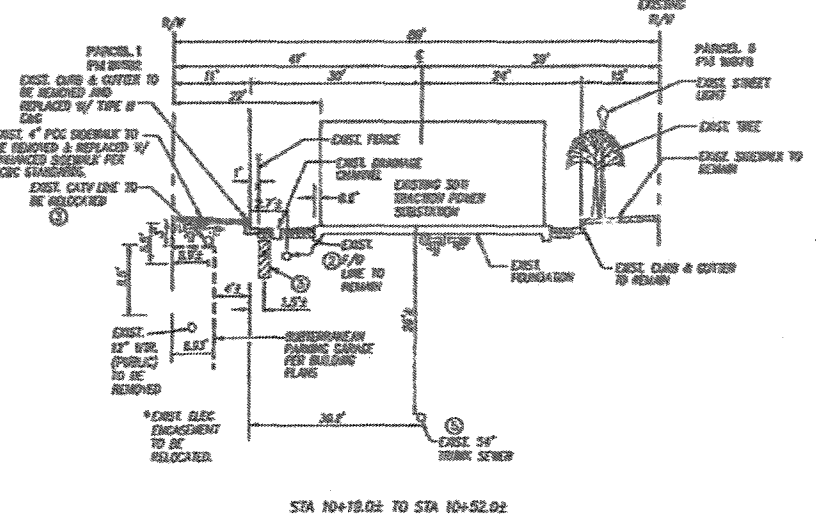
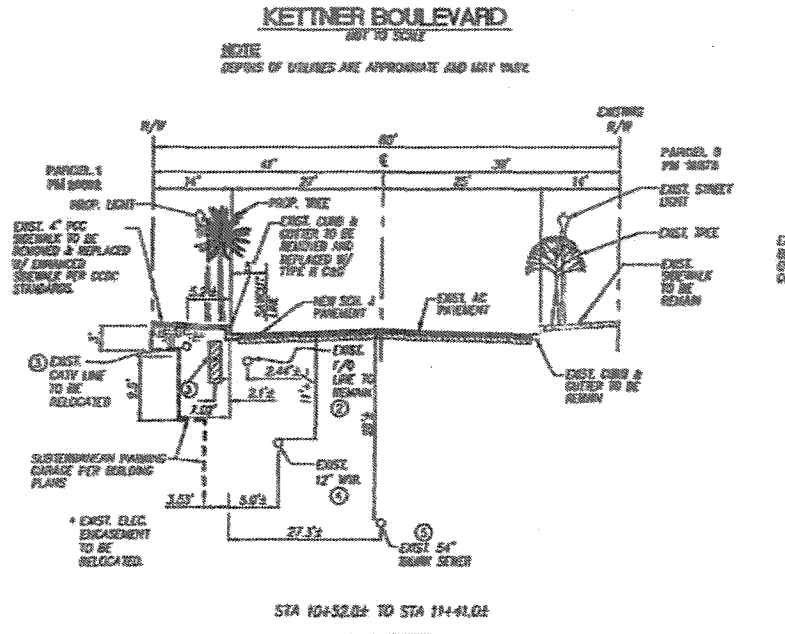
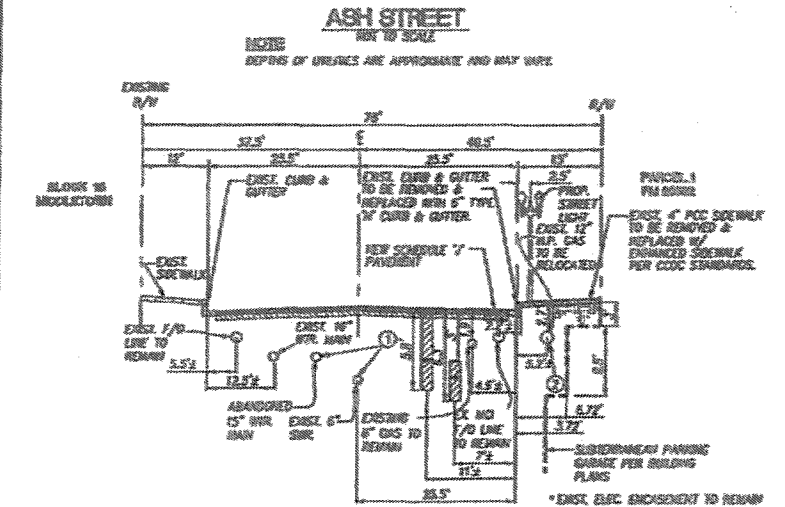
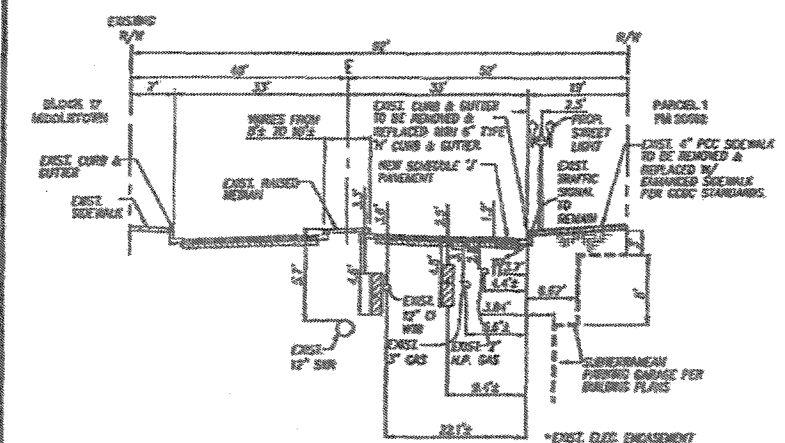
QUANTITIES ARE GEOMETRIC ONLY AND DO NOT INCLUDE SURGRASS AND BUILDING FOOTINGS. THIS PROJECT PROPOSES EXPORT OF 72,000 CU YD OF MATERIAL FROM THE PROJECT SITE. ALL EXPORT MATERIAL SHALL BE DISCHARGED INTO A LEGAL DISPOSAL SITE. THE APPROVAL OF THIS PROJECT DOES NOT ALLOW PROCESSING AND SALE OF THE MATERIAL. ALL SUCH ACTIVITIES REQUIRE A SEPARATE CONDITIONAL USE PERMIT.

IMPROVEMENT NOTES

1. REPLACE CURB, GUTTER AND SIDEWALK ON ASH ST, KETNER BLVD AND A STREET
2. LANDSCAPE AND STREETSCAPE FOR CCDC STREETScape IMPROV.

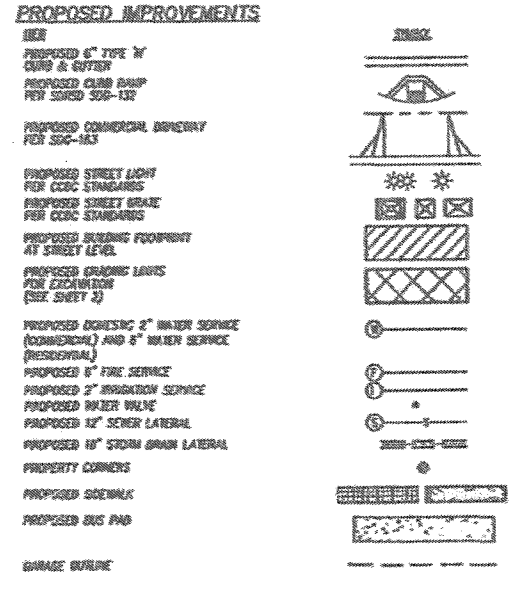
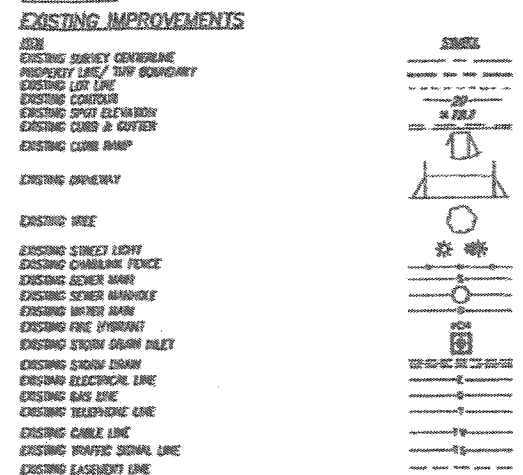
KEY NOTES

1. SHOWN DEPTH
2. EXIST UTILITY PER U.S.A. STANDARD EXACT DEPTH UNKNOWN
3. EXIST UTILITY PER U.S. FILE EXACT DEPTH UNKNOWN
4. DEPTH PER CONTRACTOR
5. DEPTH PER AS-BUILT INFORMATION



- ### NOTES
1. THIS IS A MAP OF CONDOMINIUM PROJECT AS DEFINED IN SECTION 4023 EX. SEC. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL UNITS IS 6 CONDOMINIUM SPACES WITH A TOTAL OF 205 INCLUSIVE RESIDENTIAL CARPORTS - FOR A TOTAL NUMBER OF 211 CONDO UNITS.
 2. UTILITIES: WATER: CITY OF SAN DIEGO; SEWER: CITY OF SAN DIEGO; GAS AND ELECTRIC: SAN DIEGO GAS AND ELECTRIC; FIRE AND POLICE PROTECTION: CITY OF SAN DIEGO; CABLE TV: COX COMMUNICATIONS.
- NOTE: UNDERGROUND UTILITIES SHOWN HEREIN ARE FROM AVAILABLE RECORDS. THERE ARE NO OVERHEAD ELECTRICAL UTILITIES CROSSING THE PROPERTY ON A STREET, ASH STREET AND KETNER BOULEVARD.
3. GRADING: A. CUT AND FILL SLOPES ARE 3:1 OF FLATLAND EXCEPT AS SHOWN; B. GRADING SHOWS DESIGN TO PRESERVE AND MAY BE ALTERED DURING FINAL DESIGN; C. UNDERGROUND EXCAVATION IS SUPPORTED BY SHIELDING WALLS WITH TIE-BACKS AND SOLIDITY BEAMS.
 4. DRAINAGE: A. DRAINAGE FACILITIES TO BE CONSIDERED PER CITY OF SAN DIEGO STANDARDS; B. DRAINAGE ENCLOSURES SHALL BE PROVIDED AS REQUIRED; C. ALL DRAINAGE FROM LOT TO BE DIRECTED TO STREET.
 5. SCHOOLS: SAN DIEGO UNIFIED SCHOOL DISTRICT
 6. TOPOGRAPHY FOR THIS SITE WAS A FIELD SURVEY BY PROJECT DESIGN CONSULTANTS DATED 12/20/13, 1/20/14, 6/20/14 AND PROVIDED TO KETTLER LEWECK ENGINEERING.
 7. BUILDING ADDRESS NUMBERS FOR ALL CONDOMINIUMS ON THIS SUBDIVISION SITE SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE SUBJECT PROPERTY.
 8. NO TREES OR SHRUBS EXCEEDING 3" IN HEIGHT AND 10" IN DBH SHALL BE INSTALLED WITHIN 10' OF SEWER FACILITIES AND 5' OF ANY WATER FACILITIES.
 9. ALL STREETSCAPE AND LANDSCAPE IMPROVEMENTS SHALL BE CCDC STREETScape MANUAL.
 10. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL ENTER INTO A STANDSTILL AGREEMENT FOR THE EXISTING PERMANENT SHIP MAINTENANCE.
 11. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION PERMIT, THE SUBDIVIDER SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICE NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (DRAINAGE REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE AND THE CONSTRUCTION PLANS OF SEPARATIONS.
 12. IF A 3" OR LARGER WATER MAIN IS REQUIRED FOR THIS PROJECT, THE OWNER/PERMITTEE SHALL CONSTRUCT THE NEW MAIN AND BACKFLOW PREVENTER ON SITE, ABOVE GROUND WITH AN APPROXIMATELY 50' MINIMUM EASEMENT, IN A MANNER SATISFACTORY TO THE PUBLIC UTILITIES DEPARTMENT AND CITY ENGINEER.

LEGEND



PROJECT TEAM
 CIVIL ENGINEER: KETTLER LEWECK ENGINEERING (916) 250-3444
 ADDRESS: 301 A STREET SUITE 300 SAN DIEGO, CA 92101
 ARCHITECT: ANTHONY ARCHITECT (619) 432-9812

GENERAL CONTRACTOR: BOON DEVELOPMENT CALIFORNIA, LLC
LEGAL DESCRIPTION:
 PARCEL 1 OF PARCEL MAP NO. 20502, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED BY THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 23, 2008 AS INSTRUMENT NO. 2008-050-0004, AND AMENDED PURSUANT TO MANY CERTAIN CERTAIN CERTAIN OF CONNECTION RECORDED DECEMBER 8, 2010 AS INSTRUMENT NO. 2010-027212 OF OFFICIAL RECORDS.

ZONING DESIGNATION:
 CENTRAL CITY PLANNED DISTRICT 2 COLUMBIA
 HIGHLIGHTED OF DOWNTOWN COMMUNITY P
 AIRPORT INFLUENCE AREA - SAN DIEGO INTERNATIONAL AIRPORT

ASSESSOR'S PARCEL NUMBER:
 033-202-40

PROJECT OWNER:
 LANDSCAPE COORDINATOR: 202-1177
 HOURS COORDINATOR: 1043-8177

PREPARED BY:
 Name: KETTLER LEWECK ENGINEERING
 Address: 301 A STREET SUITE 300 SAN DIEGO, CA 92101
 Phone no.: (916) 250-3444

PROJECT ADDRESS:
 BOUNDARY: ASH STREET, KETNER BLVD, 'A' STREET AND CALIFORNIA STREET
 SAN DIEGO, CA 92101

PROJECT NAME:
 KETNER AND ASH

SHEET TITLE:
 TENTATIVE MAP WAIVER 1275208
 CITY PROJECT NUMBER: 1275208

EXISTING CONDITIONS:
 COMMERCIAL PARKING LOT
 EXISTING SITE AREA = 2,801 AC
 EXISTING LOTS = 1

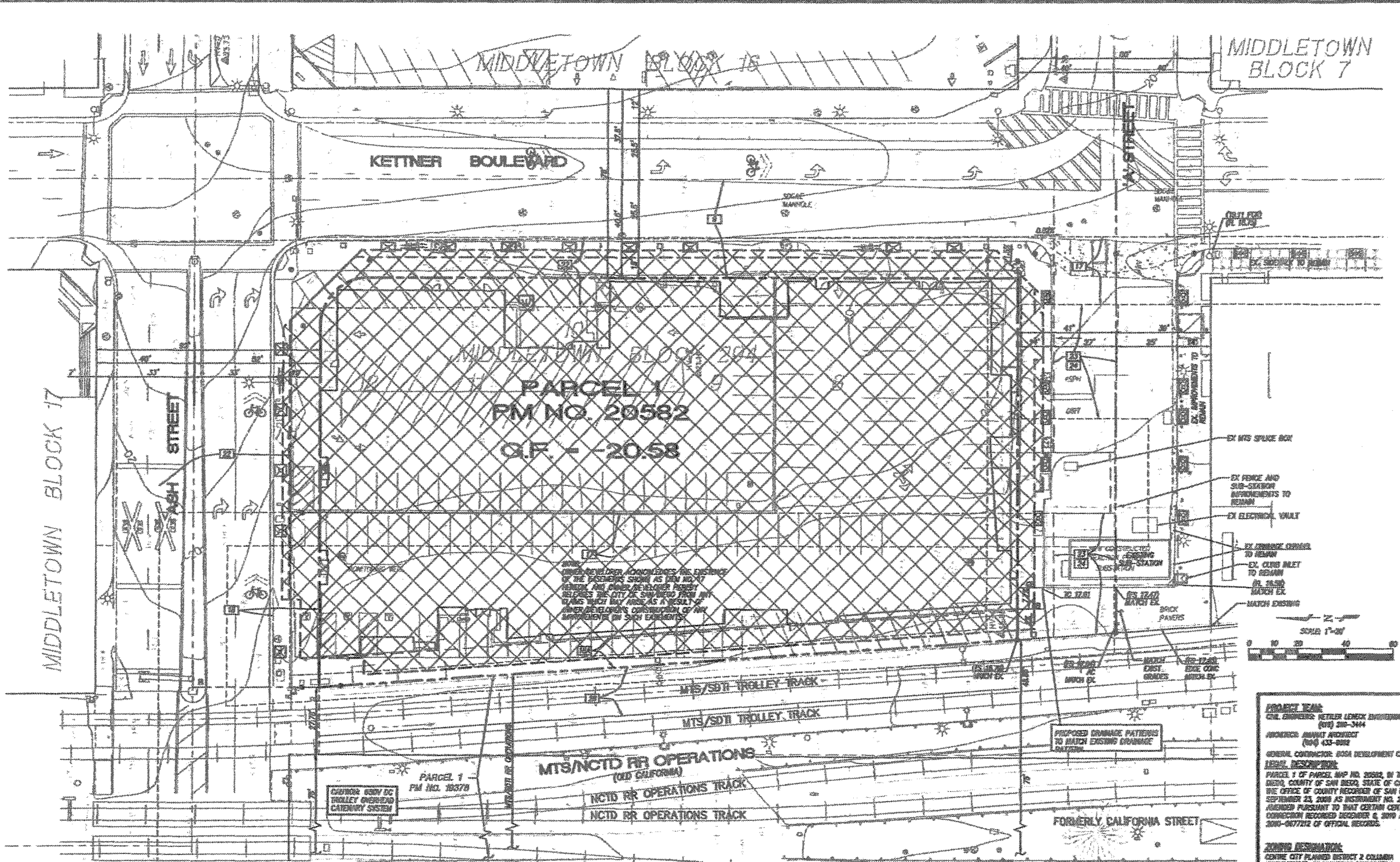
PROPOSED USE:
 NEW SITE AREA: 1,100 AC
 PROPOSED LOTS = 1
 PARKING: 4 LEVELS BELOW GRADE
 STANDARD SPACES = 210
 TANDEN SPACES = 104
 BICYCLE SPACES = 13
 COMPACT BICYCLE SPACES = 6
 ULTRA COMPACT SPACES = 17
 LOADING SPACES = 2
 BPPS SPACE = 1

TOTAL PARKING: = 404 SPACES
 CONSTRUCTION: 4 UNITS = 11,000 SF
 RESIDENTIAL: 205 UNITS = 561,400 SF

APPROVALS:
 Revision 1: 07/11/14
 Revision 2: 08/28/14
 Revision 3: 12/17/14
 Revision 4: 02/03/15
 Revision 5: 04/08/15
 Revision 6: 05/06/15
 Revision 7:
 Revision 8:
 Original Date:
 Sheet 1 of 5
 DEP #

ENGINEER OF WORK
 303 A STREET SUITE 302
 SAN DIEGO, CA 92101
 PHONE NO. (916) 250-3444

[Signature]
 KETTLER LEWECK ENGINEERING



CONCEPTUAL GRADING PLAN

- NOTES**
1. THIS PLAN GENERALLY REPRESENTS EXHAUSTION TO GARAGE FINISHED FLOOR AND IS A CONCEPT GRADING PLAN CREATED ONLY FOR THE TENTATIVE MAP REVIEW PROCESS. THIS IS NOT A CONSTRUCTION DOCUMENT.
 2. A GRADING/SOUNDING PLAN WILL BE SUBMITTED AND PROCESSED THROUGH THE ENGINEERING DEPARTMENT.
 3. THE GARAGE FINISHED FLOOR ELEVATION SHOWN ON THIS PLAN WAS OBTAINED FROM THE ARCHITECT. FOR EXACT FOOTING AND SLAB EXCAVATION DEPTHS BEYOND THE GARAGE FINISHED FLOOR ELEVATION, THE CONTRACTOR SHALL REFER TO THE ARCHITECT'S BUILDING PLAN SET.

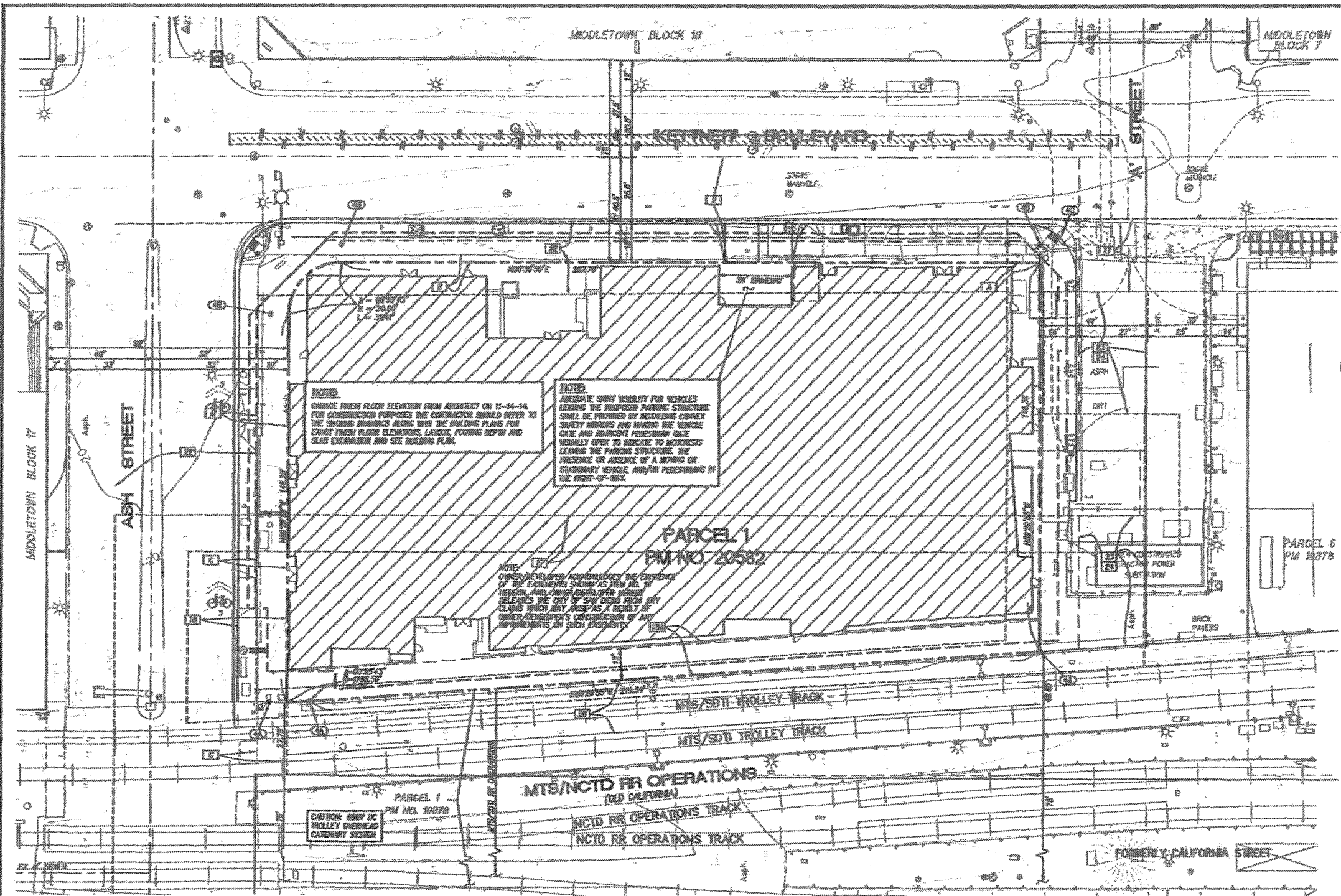
PROJECT TEAM
 CIVIL ENGINEER: KETTLER LEWECK ENGINEERING (916) 282-3444
 ARCHITECT: ANNAH ARCHITECT (916) 432-8082
 GENERAL CONTRACTOR: BOSA DEVELOPMENT CALIFORNIA & INC.
LEGAL DESCRIPTION
 PARCEL 1 OF PARCEL SHIP NO. 20048, OF THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 23, 2009 AS INSTRUMENT NO. 2009-004090, AND JOINDER PURSUANT TO THAT CERTAIN CERTAIN CERTIFICATE OF CORRECTION RECORDED DECEMBER 6, 2010 AS INSTRUMENT NO. 2010-007716 OF OFFICIAL RECORDS.
ZONING DESIGNATION
 CENTRE CITY PLANNED DISTRICT 2 COLLABRA NEIGHBORHOOD OF DOWNTOWN COMMUNITY P
 REPORT NUMBER: AER- SAN 2008 INTERNATIONAL AIRPORT
ASSessor'S PARCEL NUMBER:
 533-302-03
PROJECT NUMBER:
 LAWRENCE COORDINATES: 202-1777
 HANDE COORDINATES: 1022-0277
PREPARED BY:
 Name: JACOB LENECK ENGINEERING
 Address: 3014 A STREET, SUITE 200
 SAN DIEGO, CA 92104
 Phone no.: (619) 282-3444
PROJECT ADDRESS:
 BOUNDARY BY ASH STREET, NORTHERN BLVD.
 'C' STREET AND CALIFORNIA STREET
 SAN DIEGO, CA 92101
PROJECT NAME:
 MIDDLETOWN AND ASH
SHEET TITLE:
 TENTATIVE MAP NUMBER: 102202
 CITY PROJECT NUMBER: 2009

EXISTING CONDITIONS
 EXISTING PROPOSED LOT
 EXISTING SITE AREA = 1,821 AC
 EXISTING LOTS = 1
PROPOSED USE:
 NEW USE AREA: 1,102 AC
 PROPOSED LOTS = 1
 PROPOSED 1' EASED BELOW GRADE
 STANDARD SPACES = 219
 SWIMMING SPACES = 194
 HANDBALL SPACES = 74
 CONTACT TABLE SPACES = 8
 ULTRA CONTACT SPACES = 17
 LEASING SPACES = 2
 LOTS PER ACRE = 1
 TOTAL PARKING = 484 SPACES
 COMMERCIAL: 4 UNITS - 11,250 SF
 RESIDENTIAL: 208 UNITS - 203,400 SF

OWNER/DEVELOPER:
 BOSA DEVELOPMENT CALIFORNIA & INC.
 301 KING STREET
 SAN FRANCISCO, CA 94107
 TEL: (415) 693-0969

Revision 1:	07/21/14
Revision 2:	09/29/14
Revision 3:	12/17/14
Revision 4:	02/04/15
Revision 5:	04/16/15
Revision 6:	05/26/15
Revision 7:	
Revision 8:	
Original Date:	
Sheet	3 of 5
DP #	

ENGINEER OF WORK
 3014 A STREET, SUITE 200
 SAN DIEGO, CA 92104
 PHONE NO. (619) 282-3444
 DATE 5/7/15
KETTLER LEWECK ENGINEERING



EXISTING EASEMENT/ENCUMBRANCES
 THIS SURVEY IS BASED ON PRELIMINARY REPORT NO. 2004-000000 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED JANUARY 24, 2004 AND UPDATED NOVEMBER 03, 2013. ENCUMBRANCE ITEMS SUCH AS EASEMENTS, RIGHTS, DEEDS OF TRUST, AGREEMENTS, REQUIREMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND MATTERS APPEARING IN SAID PROJECT AS ITEMS NO. 4, 10-14, 16, 21, 22, 27-30 HAVE BEEN REVIEWED AND AS SHOWN ON THIS SURVEY RELATED AND SAME NOT BEEN SHOWN HEREON.

ITEM NOS 1-5 HAVE BEEN PREVIOUSLY DELETED FROM THE ABOVE-MENTIONED TITLE REPORT.

7. RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LINDER WITHIN ASH STREET, KETNER BOULEVARD AND "X" STREET.

8. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ENCUMBRANCE AGREEMENT" RECORDED MARCH 13, 1993 AS INSTRUMENT NO. 43801.

UNABLE TO RELATE TO SUBJECT PROPERTY.

9. A DOCUMENT ENTITLED "A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE BOUND AND BOUNDARIES AS THE KETNER BOULEVARD TO X AND ASH STREET UTILITY DISTRICT" RECORDED OCTOBER 30, 1979 AS INSTRUMENT NO. 70-455224 OF OFFICIAL RECORDS.

10. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AND MAINTENANCE AGREEMENT" RECORDED JULY 15, 1997 AS INSTRUMENT NO. 1997-043390 OF OFFICIAL RECORDS.

NOTE: NONE OF THE EASEMENTS DESCRIBED IN SAID DOCUMENT AFFECTS THE LAND HEREON, BUT MAINTENANCE RELATED OBLIGATIONS ARE IMPOSED UPON EACH ENDORSEMENT OF THE LAND.

11. THE TERMS AND PROVISIONS CONTAINED IN THE FOLLOWING DOCUMENTS:
 1. "AMENDED AND RESTATED AGREEMENT GRANTING STREET EASEMENTS AND COVENANTS FOR MAINTENANCE AND REPAIR UNDER CALIFORNIA CIVIL CODE SECTION 1468 (PARCELS 2 AND 3)" RECORDED AUGUST 15, 2003 AS INSTRUMENT NO. 2003-084440 OF SAN DIEGO COUNTY OFFICIAL RECORDS;
 2. "AGREEMENT GRANTING STREET EASEMENTS AND COVENANTS FOR MAINTENANCE AND REPAIR UNDER CALIFORNIA CIVIL CODE SECTION 1468 (PARCEL 4)" RECORDED NOVEMBER 5, 2002 AS INSTRUMENT NO. 2002-087804 OF SAN DIEGO COUNTY OFFICIAL RECORDS;
 3. "AGREEMENT GRANTING STREET EASEMENTS AND COVENANTS FOR MAINTENANCE AND REPAIR UNDER CALIFORNIA CIVIL CODE SECTION 1468 (PARCEL 5)" RECORDED AUGUST 15, 2003 AS INSTRUMENT NO. 2003-084440 OF SAN DIEGO COUNTY OFFICIAL RECORDS;
 4. "AGREEMENT GRANTING EASEMENTS AND COVENANTS FOR MAINTENANCE AND REPAIR UNDER CALIFORNIA CIVIL CODE SECTION 1468 (PARCEL 1) WHICH AMENDS AND SUPERSEDES THE SECOND AMENDED AND RESTATED AGREEMENT GRANTING STREET EASEMENTS AND COVENANTS FOR MAINTENANCE AND REPAIR UNDER CALIFORNIA CIVIL CODE SECTION 1468 (PARCELS 1, 2, 3, 4 AND 5)" RECORDED JANUARY 15, 2004 AS INSTRUMENT NO. 2004-000000 OF SAN DIEGO COUNTY OFFICIAL RECORDS;
 5. "AGREEMENT GRANTING STREET EASEMENTS AND COVENANTS FOR MAINTENANCE AND REPAIR UNDER CALIFORNIA CIVIL CODE SECTION 1468 (PARCEL 6)" RECORDED JANUARY 24, 2004 AS INSTRUMENT NO. 2004-000000 OF SAN DIEGO COUNTY OFFICIAL RECORDS.

NOTE: OWNER/DEVELOPER ACKNOWLEDGES THE EXISTENCE OF THE EASEMENTS SHOWN AS ITEM NO. 17 HEREON, AND OWNER/DEVELOPER HEREBY RELEASES THE CITY OF SAN DIEGO FROM ANY CLAIMS WHICH MAY ARISE AS A RESULT OF OWNER/DEVELOPER'S CONSTRUCTION OF ANY IMPROVEMENTS ON SUCH EASEMENTS.

12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ENCUMBRANCE AGREEMENT" RECORDED MARCH 13, 1993 AS INSTRUMENT NO. 43801.

13. AN EASEMENT FOR TERRACE, ACCESS RIGHT, GRAVE AND BURIAL RIGHTS RECORDED JULY 15, 2003 AS INSTRUMENT NO. 2003-084440 OF OFFICIAL RECORDS.

14. AN EASEMENT FOR TERRACE, ACCESS RIGHT, GRAVE AND BURIAL RIGHTS RECORDED JULY 15, 2003 AS INSTRUMENT NO. 2003-084440 OF OFFICIAL RECORDS.

15. IN FAVOR OF: CIP SAN DIEGO TORRES SHAPING, LLC, A DELAWARE LIMITED LIABILITY COMPANY
 AFFECTED: THE SOUTHERLY 28 FEET OF PARCEL C

16. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RIGHT OF EASEMENTS AND AGREEMENT" RECORDED JULY 15, 2003 AS INSTRUMENT NO. 2003-084440 OF OFFICIAL RECORDS.

17. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "GRANT DEED - BUILDING RESTRICTED EASEMENT EXECUTED BY AND BETWEEN GABELLUS OPERATING LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP AND BOSA DEVELOPMENT CALIFORNIA & INC., A CALIFORNIA CORPORATION" RECORDED JULY 23, 2009 AS INSTRUMENT NO. 2009-040703 OF OFFICIAL RECORDS.

18. INDICATES PORTION OF KETNER BOULEVARD DEDICATED PER DOCUMENT RECORDED NOVEMBER 25, 2003 AS FILE NO. 2003-140800, O.R. (SEE CITY DIV. NO. 20030-0)

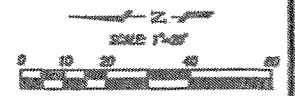
19. INDICATES PORTION OF ASH STREET DEDICATED PER PM NO. 2002-0

20. INDICATES PORTION OF "X" STREET (1/2" WIDE) DEDICATED PER DOCUMENT RECORDED NOVEMBER 25, 2003 AS FILE NO. 2003-140800, O.R. (SEE CITY DIV. NO. 20030-0)

21. AN EASEMENT FOR PEDESTRIAN ACCESS DEDICATED ON PARCEL MAP NO. 2002-0 BY THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 24, 2002 AS INSTRUMENT NO. 2002-004000

EXISTING EASEMENT/ENCUMBRANCES
 SCALE 1"=20'

- EXISTING SURVEY MONUMENTS**
- (1) EXISTING 3/4" IRON PIPE WITH DISC STAMPED "S 7012" FOR CERTIFICATE OF CORRECTION FOR PM 2002, DOCUMENT NO. 2002-057712 RECORDED DECEMBER 5, 2004
 - (2) EXISTING LEAD AND DISC STAMPED "S 7012" AT 7.00' OFFSET FOR PM 2002
 - (3) EXISTING CITY ENGINEER LEAD AND DISC STAMPED PER CP 30823



ENGINEER OF WORK
 303 A STREET SUITE 302
 SAN DIEGO, CA 92101
 PHONE NO. (619) 292-3444

John Leweck DATE 5/1/15

KETTLER LEWECK ENGINEERING

PROJECT TEAM
 CIVIL ENGINEER: KETTLER LEWECK ENGINEERING (619) 292-3444
 ARCHITECT: ALMAY ARCHITECT (619) 433-8000

GENERAL CONTRACTOR: BOSA DEVELOPMENT CALIFORNIA & INC.

LEGAL DESCRIPTION:
 PARCEL 1 OF PARCEL MAP NO. 2002-0 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 24, 2002 AS INSTRUMENT NO. 2002-004000, AND AMENDED PURSUANT TO REAT CERTAIN CERTAIN CERTIFICATE OF CORRECTION RECORDED DECEMBER 5, 2004 AS INSTRUMENT NO. 2004-057712 OF OFFICIAL RECORDS.

ASSASSOR'S PARCEL NUMBER: 120-36-08

PROJECT INFO:
 PARCEL COORDINATES: 302-1717
 NAD83 COORDINATES: 1942-5277

PREPARED BY:
 Name: KETTLER LEWECK ENGINEERING
 Address: 303 A STREET, SUITE 302, SAN DIEGO, CA 92101
 Phone No. (619) 292-3444

PROJECT ADDRESS:
 BOUND BY ASH STREET, KETNER BLVD., "X" STREET AND CALIFORNIA STREET
 SAN DIEGO, CA 92101

PROJECT OWNER:
 KETTLER AND ASH

SHEET TITLE:
 EXISTING EASEMENT/ENCUMBRANCES
 CITY PROJECT NUMBER: 2002-0

EXISTING CONDITIONS:
 CONSTRUCTION PARKING LOTS
 EXISTING SIDE AREA = 1,000 AC
 EXISTING LOTS = 1

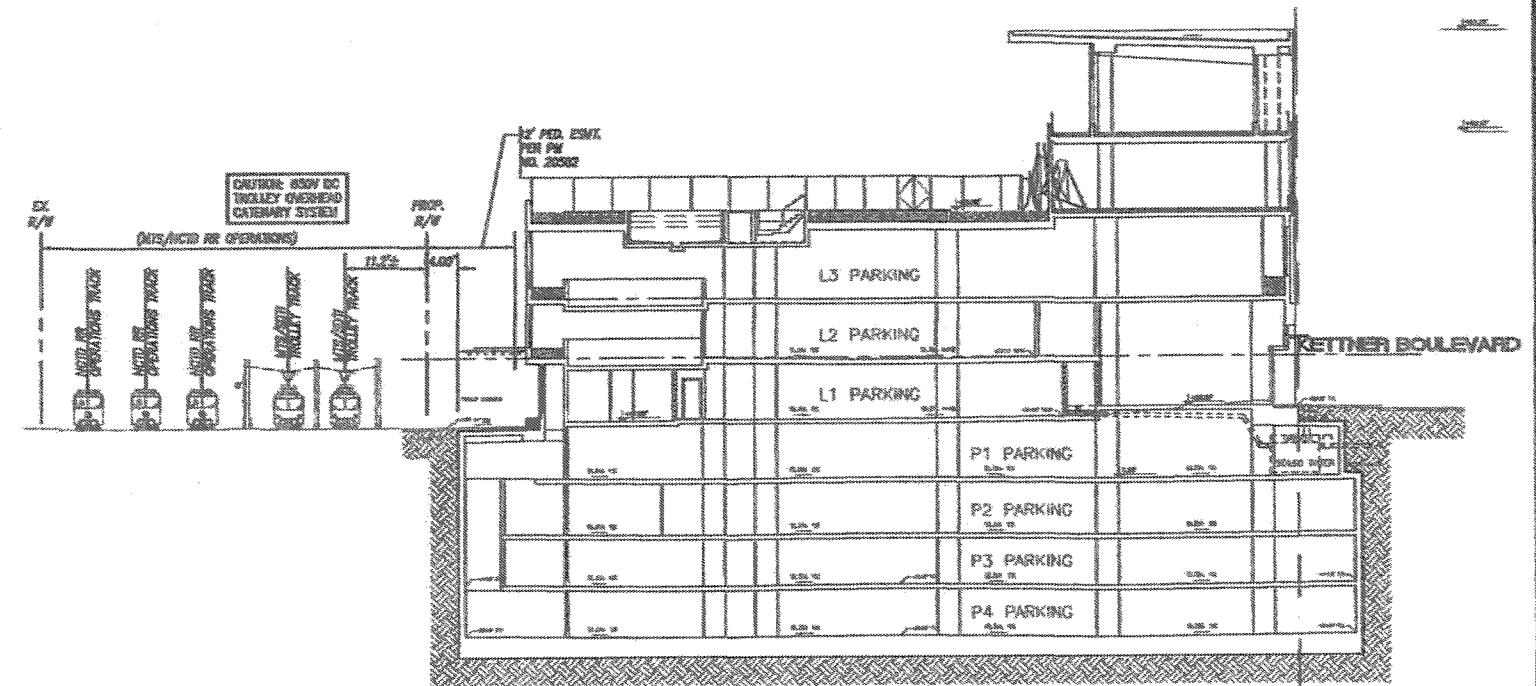
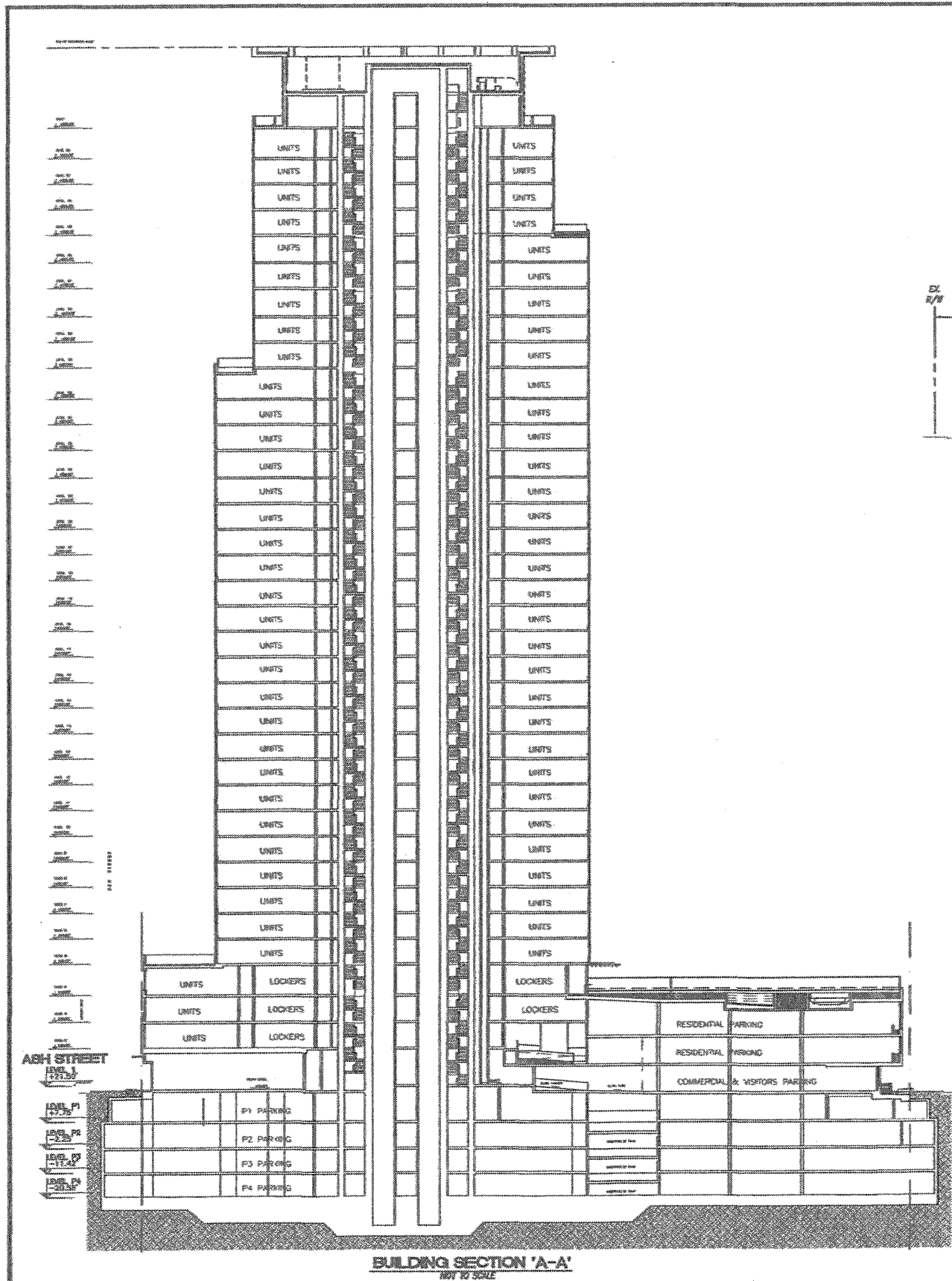
PROPOSED USE:
 NEW SIDE AREA: 1,000 AC
 PROPOSED LOTS = 1
 PARKING: 4 LEVELS BELOW GRADE
 STAIRWAY SPACES = 304
 STAIRWAY SPACES = 104
 HANDICAP SPACES = 73
 CONTACT STAIRWAY SPACES = 6
 ULTRA COMPACT SPACES = 17
 LANDING SPACES = 2
 USPS SPACE = 1

OTHER DEVELOPER:
 BOSA DEVELOPMENT CALIFORNIA & INC.
 301 RING STREET
 SAN FRANCISCO, CA 94107
 TEL: (415) 610-2001

REVISIONS:

Revision 1:	07/11/14
Revision 2:	07/26/14
Revision 3:	12/17/14
Revision 4:	02/26/15
Revision 5:	04/06/15
Revision 6:	05/06/15
Revision 7:	
Revision 8:	
Original Date:	

Sheet 4 of 5
 DEP #



BUILDING SECTION 'B-B'
NOT TO SCALE

BUILDING SECTION 'A-A'
NOT TO SCALE

NOTE: BUILDING SECTIONS PROVIDED BY ARCHITECT DATED 11/14/2014.

ENGINEER OF WORK
303 A STREET SUITE 302
SAN DIEGO, CA 92101
PHONE NO. (619) 282-3444

Lo Leuch DATE 5/7/15

KETTLER LEWECK ENGINEERING

<p>PROJECT TEAM CIVIL ENGINEER: KETTLER LEWECK ENGINEERING (619) 282-3444 ARCHITECT: JAMES ARCHITECT (619) 433-2812 GENERAL CONTRACTOR: BUSH DEVELOPMENT CALIFORNIA & INC. LEGAL DESCRIPTION: PARCEL 1 OF PARCEL MAP NO. 20002, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 21, 2000 AS INSTRUMENT NO. 2000-CO-0006, AND JUDICED PURSUANT TO THAT CERTAIN CERTAIN CERTIFICATE OF CORRECTION RECORDED DECEMBER 8, 2010 AS INSTRUMENT NO. 2010-INT-0122 OF OFFICIAL RECORDS.</p> <p>ZONING DESIGNATION: CITY PLANNED DISTRICT 2 COLUMBIA NEIGHBORHOOD OF DOWNTOWN CORRIDOR P AIRPORT INFLUENCE AREA - SAN DIEGO INTERNATIONAL AIRPORT</p> <p>ASSessor'S PARCEL NUMBER: 021-002-01</p> <p>PROJECT INFO: LAWRENCE COORDINATES: 302-077 NAD83 COORDINATES: 8012-0377</p> <p>PREPARED BY: Name: KETTLER LEWECK ENGINEERING Address: 303 A STREET SUITE 302 SAN DIEGO, CA 92101 Phone no. (619) 282-3444</p> <p>PROJECT ADDRESS: CORNER OF A ST. STREET, KETTLER BLDG. X STREET AND CALIFORNIA STREET SAN DIEGO, CA 92101</p> <p>PROJECT NAME: KETTNER AND ASH</p> <p>SHEET TITLE: KETTNER AND ASH, SECTION CITY PROJECT NUMBER: 20002</p>	<p>EXISTING CONDITIONS: COMMERCIAL PARKING LOT EXISTING SITE AREA = 1,000 AC EXISTING LOTS = 1</p> <p>PROPOSED USE: NET SITE AREA: 1,000 AC PROPOSED LOTS = 1 PARKING: 4 LEVELS BELOW GRADE STANDING SPACES = 280 TRUCK SPACES = 180 VISITOR SPACES = 75 ULTRA COMPACT SPACES = 6 ULTRA COMPACT SPACES = 17 LOADING SPACES = 2 BUS SPACE = 1</p> <p>TOTAL PARKING = 499 SPACES COMMERCIAL: 6 UNITS - 11,500 SF RESIDENTIAL: 300 UNITS - 500,000 SF</p> <p>OWNER/DEVELOPER: BUSH DEVELOPMENT CALIFORNIA & INC. 300 AND STREET SAN FRANCISCO, CA 94107 TEL: (415) 610-0101</p> <p>Revised 1: 07/21/14 Revised 2: 08/26/14 Revised 3: 12/17/14 Revised 4: 02/24/15 Revised 5: 04/19/15 Revised 6: 05/08/15 Original Date: Sheet 5 of 5 REP #</p>
--	--

Mezo, Renee

From: Laura Garrett [lgarrett.ccac@gmail.com]
Sent: Thursday, June 19, 2014 10:23 AM
To: Mezo, Renee
Cc: lisa@kettlerleweck.com
Subject: Kettner Ash Map Waiver
Attachments: facebook.jpg; ATT00001.htm; twitter.jpg; ATT00002.htm; Kettner Ash.pdf; ATT00003.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Renee,

The Map Waiver for Kettner/Ash Project 362926 was on our agenda at DCPC last night. The group voted in favor, as I've indicated on the attached form.

Thanks,

Laura Garrett
Chair, Downtown Community Planning Council
(formerly the Centre City Advisory Committee)

Follow DCPC:



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101

Community Planning Committee

Distribution Form Part 2

Project Name: Kettner and Ash Map Waiver		Project Number: 362926	Distribution Date: 05/13/2014
Project Scope/Location: CENTRE CITY Tentative Map and Coastal Development Permit Map Waiver (Process 3) to create commercial condominiums and 285 residential condominiums on a 1.05 acre site. The property located at 1372 Kettner Blvd., south of Ash Street, is in the Centre City Planned District-A zone and Coastal Overlay Zone (non-appealable). CCDP/CDP No. 2011-14. Council District 3. Notice Cards=3. <div style="text-align: center; font-size: 1.2em;">DCPC Meeting 6/18/14</div>			
Applicant Name: Lisa Leweck		Applicant Phone Number: (619) 269-3444	
Project Manager: Rene Mezo	Phone Number: (619) 446-5001	Fax Number: (619) 446-5245	E-mail Address: rmezo@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve (on consent)	Members Yes 31	Members No 0	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: Laura Garrett		TITLE: Chair	
SIGNATURE: <i>Laura Garrett</i>		DATE: 6/19/14	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



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**
 Kettner and Ash 362924

Project Address:
 SW Corner of Kettner Blvd. and Ash Street

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

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

Additional pages attached Yes No

Name of Individual (type or print): _____

Owner	Tenant/Lessee	Redevelopment Agency
-------	---------------	----------------------

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner	Tenant/Lessee	Redevelopment Agency
-------	---------------	----------------------

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner	Tenant/Lessee	Redevelopment Agency
-------	---------------	----------------------

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner	Tenant/Lessee	Redevelopment Agency
-------	---------------	----------------------

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Project Title:

Project No. (For City Use Only)

302926

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

[X] 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 [X] No

Corporate/Partnership Name (type or print): Bosa Development California II, Inc
[X] 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 U.S.
Signature: [Signature] Date: 3/4/2014

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:

RECORDED REQUEST OF
First American Title
HOMEBUILDER SERVICES
SUBDIVISION DEPT.

10894

DOC # 2012-0602972



OCT 03, 2012 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
Ernest J. Dronenburg, Jr., COUNTY RECORDER
FEES: 63.00

PAGES: 17



FS
MP

RECORDING REQUESTED BY:

Civic San Diego
Architecture and 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

accom - 6

THIS SPACE FOR RECORDER'S USE ONLY

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

**CENTRE CITY DEVELOPMENT PERMIT/COASTAL DEVELOPMENT
PERMIT NO. 2011-14**

(KETTNER AND ASH)

**CENTRE CITY DEVELOPMENT CORPORATION
CENTRE CITY DEVELOPMENT PERMIT/COASTAL DEVELOPMENT
PERMIT NO. 2011-14**

This Centre City Development Permit/Coastal Development Permit No. 2011-14 is granted by the Centre City Development Corporation to Bosa Development California II Inc., Owner/Permittee, pursuant to the regulations of the Centre City Planned District Ordinance (CCPDO). The 45,748 square-foot site is located on the block bounded by Kettner Boulevard and Ash, A and California streets in the Columbia Neighborhood of the Downtown Community Plan Area. The development site is legally described as:

Parcel 1 of Parcel Map No. 20582 in the City of San Diego, County of San Diego, State of California, Filed in the Office of the County Recorder of San Diego County, September 23, 2008 as Instrument No. 2008-0504099 and amended pursuant to that certain certificate of correction recorded December 8, 2010 as Instrument No. 2010-0677212 of official records.

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 May 25, 2011, on file in the Centre City Development Corporation Architecture and Planning Department.

1. General

The Owner/Permittee shall construct, or cause to be constructed on the Site, a 36-story residential mixed-use development consisting of 285 residential condominium units and approximately 11,550 square feet of commercial space. The total gross floor area for all above ground uses shall not exceed 585,000 square feet (12.79 FAR) and the building shall not exceed a height of 414 feet (dimensioned from mean sea level).

2. Parking

The development includes approximately 533 parking spaces provided in four below-grade parking levels and three partial above-grade levels. A minimum of 143 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 14 motorcycle spaces shall be provided along with storage area for a minimum of 57 bicycles. Any subterranean parking facilities encroaching into the public right-of-way shall be located a minimum of six feet back from the face of curb to a depth of eight feet below sidewalk grade, measured to

the outside of any shoring. An Encroachment Removal and Maintenance Agreement shall be obtained from the City to allow any encroachment of the garage into the public right-of-way.

3. Federal Aviation Administration (FAA) Review

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

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.

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 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 deck and BBQ area shall be provided at the 4th floor as depicted in the approved Basic Concept Drawings.

- c. Common Indoor Space – Common indoor residential amenity spaces shall be provided for the project residents on the 4th and 5th 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. Urban Design Standards

The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the Centre City PDO and Centre City Streetscape Manual. These standards, together with the following specific conditions, will be used as a basis for evaluating the development through all stages of the design review process.

- a. Architectural Standards - The architecture of the development shall establish a high quality of design and complement the design and character of the Columbia neighborhood and the site's location as shown in the approved Basic Concept/Schematic Drawings on file with CCDC. The project shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
- b. Form and Scale - The project shall consist of a 36-story building with a maximum height of 414 feet (dimensioned from mean sea level). All building elements shall be complementary in form, scale, and architectural style.
- c. Building Materials - All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within 1 (one) inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Plaster materials shall be either hard troweled or machine dash finished, as indicated in the Basic Concept/ Schematic Drawings. Any surface materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. Graffiti coatings should be extended the full height of the upgraded base materials or up to a natural break such as a cornice line. All down-spouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24.

All construction details shall be highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on

adjacent properties or the public right of way. No substitutions of materials or colors shall be permitted without the prior written consent of CCDC. A final materials board which illustrates the location, color, quality and texture of proposed exterior materials shall be submitted with 100% Construction Drawings and shall be consistent with the materials board approved with the Basic Concept/ Schematic Drawings.

- d. Street Level Design - Street level storefront windows shall be clear glass and may be lightly tinted. Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure. Exit corridors shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet.

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

- e. Transit Courtyard/Pedestrian Arcade - The development shall provide Transit Courtyard improvements as depicted in the approved Basic Concept Drawings. The improvements shall include, but are not limited to a continuous vine covered steel trellis structure (extending the full length of the western property line), enhanced landscaping and paving. The area shall be designed with pedestrian safety in mind by avoiding recessed areas that are not fully visible to pedestrians and ensuring that all areas are well lighted. Any exit stairs and mechanical venting shall be well integrated into the design of the area.

- f. Utilitarian areas - Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the public right-of-way and adjoining developments, except for utilities required to be exposed by the City or utility company. 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.

- g. 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.
- h. Access - Vehicular access to the site shall be limited to a single project driveway on Kettner Boulevard. The curb cuts for the driveway may not exceed 26 feet-in-width.
- i. 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.
- j. 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.
- k. 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.
- l. Signage - All signs shall comply with the City of San Diego Sign Regulations and the Centre City PDO.
- m. 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.
- n. 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.

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

8. 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.

9. Project "Green Screen" Walls

Appropriate vine species and irrigation systems shall be employed for the project's "green screen" wall areas to ensure that all landscape screening on the project exterior (particularly the portions that screen the above-grade parking) grows quickly and remains robust throughout the life of the project.

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 CCDC. The Conceptual Art Plan shall be submitted to CCDC 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 REQUIREMENTS

11. Off-Site Improvements

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

	Kettner Boulevard	Ash Street	A Street
Paving	CCDC Standard Paving	CCDC Brick Paving	*see condition 10 for requirements
Street Trees	Fern Pine	Jacaranda	
Street Lights	Standard 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 CCDC Streetscape Manual, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water service from the subject property.

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

- a. Street Lights - All existing lights shall be evaluated to determine if they meet current CCDC and City requirements, and shall be modified or replaced if necessary.
- b. Sidewalk Paving - Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement with the City.
- c. On-Street Parking - The Owner/Permittee shall maximize the on-street parking wherever feasible.
- d. Litter Containers - Six (6) CCDC public trash receptacles shall be provided (one at each lot corner and two on midblock locations on Kettner Boulevard and the Transit Courtyard).
- e. Public Utilities (sewer, water and storm drain) - The Owner/Permittee shall be responsible for the connection of on-site sewer, water and storm drain systems from the development to the City Utilities located in the public right-of-way. Sewer, water, and roof drain laterals shall be connected to the appropriate utility mains within the street and beneath the sidewalk. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. Private sewer laterals require an Encroachment Maintenance and Removal Agreement.

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

Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check.

If and when the Owner/Permittee submits for a tentative map or tentative map waiver, the Water Department will require CC&Rs to address the operation and maintenance of the private on-site water system serving the project. No structures or landscaping of any kind shall be installed within 10 feet of water facilities.

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

- f. Franchise Public Utilities - The Owner/Permittee shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the project and all extensions of those utilities in public streets. Existing franchised utilities located above grade serving the property and in the sidewalk right-of-way shall be removed and incorporated into the adjoining development where feasible.
- g. Fire Hydrants - If required, the Permittee shall install fire hydrants at locations satisfactory to the Fire Department and Development Services Department.
- h. Backflow preventers - The Owner/Permittee shall locate all water meters and backflow preventers in locations satisfactory to the Water Utilities Department and CCDC. Backflow preventers shall be located outside of the public right-of-way adjacent to the project's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area. The devices shall be screened from view from the public right-of-way. All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City of San Diego's Engineering and Building Inspection

Departments and shall be subject to their review and approval. Improvements shall meet the requirements of Title 24 of the State Building Code.

12. A Street Plaza and Right-of-Way Public Improvements

The Owner/Permittee shall make every effort to develop the dead-end portion of A Street as an open space plaza area, with landscape and hardscape improvements in substantial conformance with the design shown in the approved Basic Concept Drawings for the project. The owner/permittee shall coordinate with both the San Diego Metropolitan Transit System (MTS), San Diego Gas and Electric Company, and CCDC to ensure that adequate access to the existing MTS facilities (including traction power substation, traction power vaults, and communications hand-holes) and utility company facilities is maintained for MTS and San Diego Gas and Electric (SDG&E) employees and vehicles. The final plaza design, including hardscape, landscape, screen walls, and fencing of the substation/transformer shall be approved by both MTS and CCDC prior to the issuance of the first construction permit for the project.

If for any reason the plaza proposal cannot be implemented, the owner/permittee shall install public improvements to match those constructed by the Sapphire Tower project on the southern half of A Street. The design shall provide street trees within a 14-foot wide pedestrian walkway with paving that complements the transit courtyard and existing paving on the south side of A Street. A public improvement plan for the area shall be submitted to CCDC for review and approval prior to issuance of the first construction permit for the project.

13. Transit Courtyard

Transit Courtyard improvements shall be provided along the 12-foot easement/pedestrian walkway along the entire length on the site's western property line. The improvements shall complement the historic Santa Fe Depot building arcade and provide for an enhanced pedestrian experience consistent with surrounding developments. The improvements shall be in substantial conformance with the design shown in the approved Basic Concept Drawings including enhanced paving and a continuous vine covered trellis and "green screen" façade wall to the east that will create a landscaped passageway along the rail corridor.

ENVIRONMENTAL REQUIREMENTS

14. Removal and/or Remedy of Soil and/or Water Contamination

The Owner/Permittee shall (at its own cost and expense) remove and/or otherwise remedy as provided by law and implementing rules and regulations, and as required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the Site. Such work may include without limitation the following:

- a. Remove (and dispose of) and/or treat any contaminated soil and/or water on the Site (and encountered during installation of improvements in the adjacent public rights-of-way which the Owner/Permittee is to install) as necessary to comply with applicable governmental standards and requirements.
- b. Design and construct all improvements on the Site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other form, and/or from the direct and indirect effects thereof.
- c. Prepare a site safety plan and submit it to the appropriate governmental, CCDC, and other authorities for approval in connection with obtaining a Building Permit for the construction of improvements on the Site. Such site safety plan shall assure workers and other visitors to the Site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
- d. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.
- e. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval by the appropriate governmental authorities.

15. Environmental Impact Mitigation and Archaeological/Paleontological Protection

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

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 Centre City Development Corporation's Downtown Information Center. Upon acceptance by CCDC, the model shall be installed by the Owner/Permittee or his designated representative on the model of downtown and the model shall become the property of the Centre City Development Corporation for its use.

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 (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 CCDC 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 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 the Centre City Development Corporation on March 10, 2012.

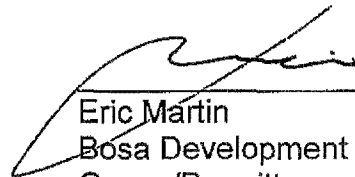
CENTRE CITY DEVELOPMENT
CORPORATION

PERMITTEE SIGNATURE



Brandon Nichols
Senior Planner

9.11.12
Date



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

9.17.12
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego }

On 9/11/12 before me, M. Betty Migliaccio, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Brandon Nichols
Name(s) of Signer(s)



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



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

WITNESS my hand and official seal.

Signature: M. Betty Migliaccio
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Return & Ash

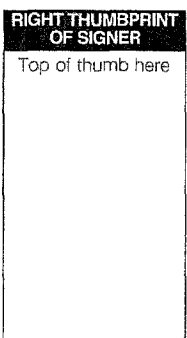
Document Date: 9/11/12 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

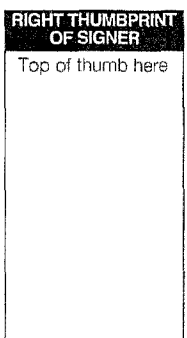
- Corporate Officer — Title(s): _____
- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF California)SS
COUNTY OF SAN FRANCISCO)

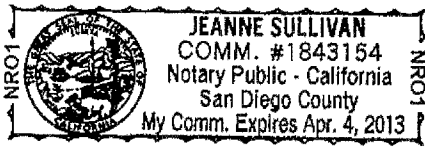
On SEPTEMBER 17, 2012 before me, JEANNE SULLIVAN, Notary Public, personally appeared EXIL MARTIN

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 Jeanne Sullivan



This area for official notarial seal.

**OPTIONAL SECTION
CAPACITY CLAIMED BY SIGNER**

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- INDIVIDUAL
- CORPORATE OFFICER(S) TITLE(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

OPTIONAL SECTION

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____



