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ORDINANCE NUMBER O- 21054 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 12 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING CENTRE CITY DEVELOPMENT PERMIT NO. 2018-48 FOR THE 13TH & BROADWAY PROJECT LOCATED ON THE NORTH SIDE OF BROADWAY BETWEEN THIRTEENTH AND FOURTEENTH STREETS WITHIN THE DOWNTOWN COMMUNITY PLAN IN THE CITY OF SAN DIEGO, CALIFORNIA.

WHEREAS, the City of San Diego, Owner, and Chelsea Investment Corporation, Permittee, filed an application with Civic San Diego to allow for the construction of a mixed-use affordable housing development containing a 14-story tower (up to 154 feet tall) containing 273 residential units, 270 (99%) of which will be affordable, approximately 3,200 square feet (SF) of commercial space, and a minimum of 64 automobile parking spaces, commonly referred to as 13th & Broadway (“Project”); and

WHEREAS, the Project site is located on a 19,039 SF premises located on the north side of Broadway between 13th and 14th streets in the East Village neighborhood of the Downtown Community Plan area (“Downtown”); and

WHEREAS, the property is legally described as Lots 1 through 8, inclusive of Block 27, of Thomas’ resubdivision of Block 27, Horton’s Addition, in the City of San Diego, County of San Diego, State of California, as per Map 211, filed June 8, 1886, including all mineral interests therein. Also: the south one-half of the alley adjoining said Lots 1 through 8, inclusive, on the north, as vacated and closed to public use by San Diego City Council Resolution No. 82006, October 20, 1945; and

WHEREAS, on December 12, 2018, the Downtown Community Planning Council considered CCDP No. 2018-48 and voted 15-2 to recommend approval of CCDP No. 2018-48; and

WHEREAS, on December 19, 2018, the Civic San Diego Board of Directors considered CCDP No. 2018-48 and voted 7-0 to recommend approval of CCDP No. 2018-48; and

WHEREAS, on January 24, 2019, the Planning Commission of the City of San Diego considered CCDP No. 2018-48 and voted 6-0-1 to recommend that the City Council approve the CCDP No. 2018-48; and

WHEREAS, the matter was set for a duly noticed public hearing on February 11, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, Development within the Downtown Community Planning area is covered under the following documents, all referred to as the “Downtown FEIR”: Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown

Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency and has been reviewed and considered by the decision maker before approving the project. Consistent with best practices suggested by CEQA Guidelines Section 15168, a Downtown 15168 Consistency Evaluation (“Evaluation”) has been completed for the project. The Evaluation concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, that none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA.

WHEREAS, under Charter section 280(a)(2), this Ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

Section 1. BE IT ORDAINED, by the Council of the City of San Diego, that San Diego Municipal Code sections 132.0207 and 132.0208 do not apply to the issuance of CCDP No. 2018-48; however, they do apply to the issuance of any building permits for the Project.

Section 2. BE IT FURTHER ORDAINED, by the Council of the City of San Diego, that it adopts the following findings with respect to CCDP No. 2018-48:

CENTRE CITY DEVELOPMENT PERMIT (CCPDO § 156.0304(e)(1)(D).)

1. The proposed development is consistent with the Downtown Community Plan (DCP), Centre City Planned District Ordinance (CCPDO), *Civic San Diego* Land Development Manual, San Diego Municipal Code (SDMC), and all other adopted plans and policies of the City of San Diego pertaining to the Centre City Planned District.

The proposed Project would allow for the construction of a 14-story, 154-foot tall residential tower comprised of 273 residential units, 3,200 SF of retail space, and 64 parking spaces. 270 of the total residential units will be affordable and 133 of those will be permanent supportive units. The design of the building is broken up into two distinct masses, articulated through varying colors, patterns, and the use of accent materials like black metal paneling. The top of the tower is characterized by a smaller floor plate, including a multi-purpose community room within a box-like architectural component that protrudes from the façade. The ground floor street wall is comprised of a glazing storefront system reaching a height of 20 feet. The affordable housing development is consistent with the orderly growth and scale of the neighborhood. Multiple dwelling unit developments are a permitted land use in the Neighborhood Mixed-Use Center district of the CCPDO.

The Project will restrict 270 (99%) of the residential units to persons qualifying as very-low-income residents (those earning less than or equal to 50% of the AMI) and low-income

residents (those earning between 50%-60% of the AMI). Based on the provision of affordable housing, the Project is entitled to a 50% FAR Bonus (Table 143-07A), a reduction in parking requirements from the 1.0 parking space/unit plus guest parking to a rate of 0.5 parking space/unit (Table 143-07D), and the following five incentives from development standards (Table 143-07D):

Incentive #1: CCPDO Section 156.0307(b)(11) Main Street Overlay – A reduction in the active commercial requirement from 80% of the ground floor street frontage to 48.2% on 13th Street and 41.5% on Broadway.

Incentive #2: CCPDO Section 156.0310(d)(3)(A) Tower Lot Coverage – An increase in the lot coverage of the tower from 50% to 60%.

Incentive #3: CCPDO Section 156.0310(d)(3)(B) Tower Floor Plate – An increase in the east-west tower floor plate dimension by about 30 feet to 159'-4".

Incentive #4: CCPDO Section 156.0307(b)(9) Limited Vehicle Access Overlay – Locating a curb cut for a driveway on 13th Street for vehicular access into the ground floor parking garage containing 16 parking spaces.

Incentive #5: CCPDO Section 156.0313(l)(2) Vehicular Access – A reduction in driveway width for the proposed driveway on 13th Street to 12 feet wide.

With approval of the incentives granted in accordance with the Affordable Housing Regulations of the San Diego Municipal Code, the Project will meet all applicable development standards of the CCPDO and SDMC. The Project will help to infill, as well as activate this area of the East Village neighborhood by fostering a creation of a diverse district and further the goal of establishing a Neighborhood Center along 13th Street. The Project will not have a negative impact on the surrounding neighborhood because it will contribute to a balance of uses in the neighborhood and increase the supply of affordable housing to accommodate a diverse population. The proposed development is consistent with the DCP, CCPDO, Land Development Code, and all other adopted plans and policies of the City of San Diego pertaining to the CCDP as the development advances the following goals and objectives of the DCP and CCPDO by:

3.1-G-2: Providing for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services.

3.3-G-1: Providing a range of housing opportunities suitable for urban environments and accommodating a diverse population.

3.4-G-1: Continuing to promote the production of affordable housing in all of downtown’s neighborhoods and districts.

3.4-G-3: Increasing the supply of rental housing affordable to low income persons.

6.5-G-3: Fostering creation of a diverse sub-district—with residential, office, and research components—and synergistic links to education.

6.5-G-10: Establishing a Neighborhood Center along 13th Street, with strategic plazas and open spaces located along fault lines, to provide a focus to the sub-district, as well as a center for adjacent portions of East Village.


Section 3. BE IT FURTHER ORDAINED, that based on the findings herein before adopted by the City Council, CCDP No. 2018-48 is hereby granted to the referenced Permittee, in the form, exhibits, terms, and conditions set forth in CCDP No. 2018-48, a copy of which is attached hereof.

Section 4. BE IT FURTHER ORDAINED, that a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. BE IT FURTHER ORDAINED, that this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage or the dates that O- 21053, amending the San Diego Municipal Code, and O- 21052, rezoning the Project site from

the Public Facilities district to the Neighborhood Mixed-Use Center district, become effective, whichever date occurs later.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:nja
01/23/19
Or. Dept: Civic
Doc. No.: 1915464

Attachment: CCDP 2018-48

RECORDING REQUESTED BY:

Civic San Diego
Planning Department
401 B Street, Suite 400
San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Civic San Diego
Planning Department
401 B Street, Suite 400
San Diego, CA 92101

THIS SPACE FOR RECORDER'S USE ONLY

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

**CENTRE CITY PLANNED DISTRICT
CENTRE CITY DEVELOPMENT PERMIT
NO. 2018-48**

**13TH & BROADWAY
APN 534-205-08-00**

**CENTRE CITY PLANNED DISTRICT
CENTRE CITY DEVELOPMENT PERMIT
NO. 2018-48**

**13TH & BROADWAY
APN 534-205-08-00**

This Centre City Development Permit (CCDP) No. 2018-48 (“Permit”) is granted by the San Diego City Council to the City of San Diego, Owner, and Chelsea Investment Corporation Permittee, to allow the construction of an 14-story (approximately 154-foot tall) mixed-use development on an approximately 19,039 square-foot (SF) site on the north side of Broadway between 13th and 14th streets in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”) within the Centre City Planned District (CCPD). The property is more particularly described as Lots 1 through 8, inclusive of Block 27, of Thomas’ resubdivision of Block 27, Horton’s Addition, in the City of San Diego, County of San Diego, State of California, as per Map 211, filed June 8, 1886, including all mineral interests therein. Also: the south one-half of the alley adjoining said Lots 1 through 8, inclusive, on the north, as vacated and closed to public use by San Diego City Council Resolution No. 82006, October 20, 1945.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type, and location as follows and on the approved Basic Concept/Schematic Drawings and associated Color and Materials Boards dated November 21, 2018, on file at CivicSD.

1. General: The Permittee shall construct, or cause to be constructed on the site, a 14-story mixed-use development consisting of 273 residential units and approximately 3,200 SF of commercial space. The total Floor Area Ratio (FAR) of the development for all uses above ground shall not exceed 8.8. The building height shall not exceed 154 feet above average grade level, measured to the top of the parapet of the uppermost floor, with roof equipment enclosures, elevator penthouses, mechanical screening, and architectural elements above this height permitted per the Centre City Planned District Ordinance (CCPDO).
2. Parking: The development shall provide a minimum of 64 parking stalls designed to meet City standards. Secured bicycle storage shall be provided to accommodate a minimum of 10 bicycles. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any subterranean parking facilities encroaching into the public right-of-way (ROW) shall be located 1) a minimum of three feet behind the face of curb; 2) three feet below the finished sidewalk level; and, eight feet below grade within six feet from the face of curb, all measured to the outside of any shoring. An Encroachment Maintenance Agreement (EMA) shall be obtained from the City to allow any encroachment of a subterranean garage into the ROW. Should the San Diego Municipal Code (SDMC) be amended in the future to reduce the minimum amount of required parking, the Project may eliminate 16 parking spaces on the ground level of the Project.
3. Affordable Housing Regulations: The Permittee shall provide a minimum of 270 affordable units (99% of the total units) restricted for very low income and low income residents per

Section 143.0720 of the SDMC. An agreement with the San Diego Housing Commission shall be executed to enforce and monitor the affordability restrictions prior to issuance of any building permit for construction of the Project.

4. Affordable Housing Incentives: The City Council hereby grants the following incentives pursuant to Section 143.0740 of the SDMC for deviations to the following development regulations within the CCPDO and SDMC:
 - a. CCPDO Section 156.0307(b)(9): Limited Vehicle Access Overlay. A curb cut may be located on 13th Street for a driveway entrance into the ground floor parking garage.
 - b. CCPDO Section 156.0307(b)(11): Main Street Overlay. The minimum active commercial requirement may be reduced from 80% of the ground floor street frontage to 48.5% on 13th Street and 41.5% on Broadway.
 - c. CCPDO Section 156.0310(d)(3)(A): Tower Lot Coverage. The maximum tower lot coverage may be increased from 50% to 59.6%.
 - d. CCPDO Section 156.0310(d)(3)(B): Tower Floor Plate. The maximum east-west tower floor plate dimension may be increased from 130'-0" to 159'-4".
 - e. CCPDO Section 156.0313(1)(2): Vehicular Access. The minimum curb cut width for the driveway entrance on 13th Street may be reduced from 20 feet to 12 feet.

Should the SDMC be amended in the future to reduce the minimum amount of required parking, the Project may eliminate 16 parking spaces on the ground level of the Project. If the parking reduction in turn eliminates the need for one or more of the Affordable Housing Incentives listed above, an incentive may be requested to further reduce the parking requirement pursuant to Section 143.0740 of the SDMC.

5. Airport Approach Overlay Zone: Prior to the issuance of any construction permit, a Determination of No Hazard from the Federal Aviation Administration (FAA) shall be submitted for the Project. In addition, a Determination of Consistency with the San Diego International Airport Land Use Compatibility Plan from the Airport Land Use Commission (ALUC) shall be submitted for the Project. The Project shall comply with all FAA and ALUC conditions.

PLANNING AND DESIGN REQUIREMENTS

6. Urban Design Standards: The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the CCPDO and Centre City Streetscape Manual (CCSM). These standards, together with the following specific conditions, will be used as a basis for evaluating the development through all stages of the development process.

7. Architectural Standards – The architecture of the development shall establish a high quality of design and complement the design and character of the East Village neighborhood as shown in the approved Basic Concept/Schematic Drawings on file with CivicSD. The development shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
8. Form and Scale – The development shall consist of an 14-story building (not exceeding an overall height of approximately 154 feet) measured to the top of the parapet, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the CCPDO and the Federal Aviation Administration (FAA). All building elements shall be complementary in form, scale, and architectural style.
9. 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 one inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such a cornice line. All downspouts, 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 of the California Code of Regulations (“Title 24”).

All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the ROW. No substitutions of materials or colors shall be permitted without the prior written consent of the CivicSD. 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.

10. Street Level Design – Street level 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 including garage entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet, or the garage door, whichever is deeper.

All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and 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, and incorporate drip edges and other details to minimize staining and ensure long-term durability.

11. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be completely concealed from view of the ROW and adjoining developments, except for utilities required to

be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per SDMC Sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building area and kept clean and orderly at all times.

12. Mail and Delivery Locations – It is the Permittee’s responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal and loading use. The Permittee shall locate all mailboxes and parcel lockers outside of the ROW, either within the building or recessed into a building wall. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall.
13. Circulation and Parking – The Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, valet services if any, trees, and street lights to the satisfaction of CivicSD. Such plan shall be submitted in conjunction with construction permits.

All subterranean parking shall meet the requirements of the Building 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 public ROW.

The garage door shall be, at a minimum, 80% opaque to prevent views into the garage area. An upgraded design shall be provided in the construction documents.

14. Open Space and Development Amenities – A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups to the satisfaction of CivicSD shall be submitted with construction drawings.
15. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted to the satisfaction of CivicSD with construction drawings. Any roof-top mechanical equipment shall be grouped, enclosed, and screened from surrounding views. The roof-top condenser units shall be covered with a solar panel array.
16. Lighting – A lighting plan which highlights the architectural qualities of the proposed development and also enhances the lighting of the public ROW shall be submitted with construction drawings. All lighting shall be designed to avoid illumination of, or glare to, adjoining properties, including those across any street.
17. Signage – All signs shall comply with the City Sign Regulations and the CCPDO.
18. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. Permittee shall provide evidence of compliance with construction drawings.

19. Street Address – Building address numbers shall be provided that are visible and legible from the ROW.
20. 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 to the satisfaction of CivicSD with construction drawings.

PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS

21. Off-Site Improvements: The following public improvements shall be installed in accordance with the CCSM. The CCSM is currently being updated and the Permittee shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

	Broadway	13 th Street	14 th Street
Street Trees	Southern Magnolia	London Plane	Chinese Evergreen Elm
Sidewalk Paving	Broadway	Standard	Standard
Street Lights	Gateway	Standard	Standard

22. Street Trees – Street tree selections shall be made according to the CCSM. All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCSM, 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 development.
23. Street Lights – All existing lights shall be evaluated to determine if they meet current CivicSD and City requirements, and shall be modified or replaced if necessary.
24. Sidewalk Paving – Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement (EMRA) with the City at the time of construction permit issuance.
25. Litter Containers – The development shall provide a minimum of two litter receptacles, one at each street corner.
26. Landscaping – All required landscaping shall be maintained in a disease, weed and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the CivicSD within 30 days of damage or Certificate of Occupancy, whichever occurs first.
27. Planters – Planters shall be permitted to encroach into the ROW a maximum of three feet. The planter encroachment shall be measured from the property line to the face of the curb to

the wall surrounding the planter. A minimum six foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the ROW.

28. On-Street Parking – The Permittee shall maximize the on-street parking wherever feasible.
29. Franchise Public Utilities – The 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 development and all extensions of those utilities in public streets. Existing franchise utilities located above grade serving the property and in the sidewalk ROW shall be removed and incorporated into the adjoining development. All franchise utilities shall be installed as identified in the Basic Concept Drawings. Any above grade devices shall be screened from view from the ROW.
30. Geology
 - a. Prior to the issuance of any construction permits (either grading or building), the Permittee shall submit an addendum geotechnical investigation report that specifically addresses the proposed construction plans. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of DSD.
 - b. The Permittee shall submit an interim as-graded geotechnical report that presents the results of detailed geologic mapping/logging of the entire basement excavation to demonstrate the lack of faults crossing the site prior to building inspection of foundation excavations. The interim as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of DSD.
 - c. The Permittee shall submit a final as-graded geotechnical report prepared in accordance with the City’s “Guidelines for Geotechnical Reports” following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of DSD prior to exoneration of the bond and grading permit close-out.
31. Transportation
 - a. Prior to the issuance of any building permit, the Permittee shall assure by permit and bond the construction of a 22-foot wide driveway on 14th Street, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.
 - b. Prior to the issuance of any building permit, the Permittee shall assure by permit and bond the construction of a 12-foot wide driveway located on 13th Street to current City standards, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to the first occupancy. This condition will not be required if the parking area to be accessed via this driveway is eliminated prior to building permit issuance.

32. Engineering

- a. Prior to the issuance of any building permits, the Permittee shall obtain a Right-of-Way Permit for the shoring proposed for the Project, satisfactory to the City Engineer.
- b. Prior to the issuance of any building permits, the Permittee shall obtain an EMRA from the City Engineer for the following:
 - New curb outlet on 13th Street and 22-foot non-standard driveway on 14th Street public ROW;
 - Proposed trees with tree grates, landscaping, irrigation, and enhanced sidewalks along property frontages on Broadway, 13th, and 14th streets; and,
 - Underground and above-ground building encroachment into Broadway public ROW.
- c. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the construction of the following to the satisfaction of the City Engineer:
 - New curb/gutter and sidewalks along Broadway, 13th, and 14th streets;
 - New curb ramps on the southeast corner of Broadway and 13th Street and southwest corner of Broadway and 14th Street per current City standards; and,
 - A current City standard 22-foot wide driveway adjacent to the site on 14th Street.
- d. Prior to the issuance of any construction permit, the Permittee shall submit a technical report based on the Storm Water Standards in effect at the time of construction permit issuance that will be subject to final review and approval by the City Engineer.
- e. Prior to issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
- f. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC into the construction plans or specifications.
- g. Prior to the issuance of any construction permit, the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

33. Public Utilities

- a. Prior to the issuance of any building permits, any private improvements within the public ROW (including, but not limited to, landscaping, enhanced paving, private utilities, or structures of any kind) whose location could inhibit the City's right to access, maintain, repair, or replace its public water and sewer utilities must be removed unless the Permittee has, or first obtains, a City approved County Recorded EMRA which authorizes that specific private improvements to be placed in that specific location.

- b. Prior to the issuance of any building permits, the Permittee shall contact the City's Cross-Connection Control Section to obtain approval via email for the non-standard backflow prevention device (BFPD) configuration.
- c. Prior to the issuance of any building permits, the Permittee shall provide sewer flow and lateral information in accordance with the City of San Diego's current Sewer Design Guide and obtain approval for the introduction of that flow into the City's public sewerage system from the Water & Sewer Department Review Section of the Public Utilities Department (PUD).
- d. Prior to the issuance of any building permits, the Permittee shall have constructed, or ensured the construction of (via permit and bond), all public water and/or sewer facilities as provided for in Exhibit A.
- e. Prior to the issuance of any building permits, the Permittee shall obtain PUD's approval of the Project's projected fire flow demand. Should PUD not approve the Project's projected fire flow demand, a Water Planning Study as described in the City's Water Facilities Design Guide will be required.
- f. Prior to the issuance of any building permits, the Permittee or Subdivider shall construct, or assure the construction of (via permit or bond) all required public water facilities in accordance with the Project's Water Planning Study if such a study is required.
- g. Prior to the issuance of any Certificate of Occupancy, the Permittee shall repair or reconstruct, in a manner satisfactory to the City Engineer, any public water or sewer facility which has been damaged as a consequence of the Project's construction.

SUSTAINABILITY

The following requirements must be demonstrated prior to issuance of construction permits:

34. Cool/Green Roofs - The development must include roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under the CALGreen.
35. Plumbing Fixtures and Fittings –
 - Kitchen faucets: maximum flow rate not to exceed 1.5 gallons per minute at 60 psi;
 - Standard dishwashers: 4.25 gallons per cycle;
 - Compact dishwashers: 3.5 gallons per cycle; and,
 - Clothes washers: water factor of 6 gallons per cubic feet of drum capacity.
36. Electrical Vehicle Charging – 3% of the total required parking spaces shall be provided with a listed cabinet, box or enclosure connected to a conduit linking the parking space with electrical services. Of these spaces, 50% shall include the necessary electric vehicle supply equipment installed to provide an active electric charging station ready for use by residents.

37. Shower Facilities – If the commercial space has more than ten employees, the Project must include changing/shower facilities in accordance with the voluntary measures under the CALGreen (per the table under CAP Checklist Item #5 *Shower facilities*).

STANDARD REQUIREMENTS

38. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP): As required by CCPDO Section 156.0304(h), the development shall comply with all applicable Mitigation Monitoring and Reporting Program (MMRP) measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP.
39. Development Impact Fees: The development will be subject to Centre City Development Impact Fees. The fee shall be determined in accordance with the fee schedule in effect at the time of building permit issuance. 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. Development Impact Fees shall be calculated in accordance with fee schedule in effect at the time of building permit issuance, and in accordance with the SDMC.
40. Construction Fence: The 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 development'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.
41. Development Identification Signs: Prior to commencement of construction on the site, the Permittee shall prepare and install, at its cost and expense, one sign on the barricade around the site which identifies the development. The sign shall be at least four feet by six feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include:
- Color rendering of the development
 - Development name
 - Developer
 - Completion Date
 - For information call _____

Additional development signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 sq. ft. per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to the CivicSD for approval prior to installation.

42. 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.
43. 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.
44. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
45. Issuance of this Permit by the City of San Diego does not authorize the 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.).
46. 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 Permittee and any successor(s) in interest.
47. This development shall comply with the standards, policies, and requirements in effect at the time of approval of this development, including any successor(s) or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City.
48. No permit for construction, operation, or occupancy of any facility or improvement described herein 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 San Diego County Recorder.
49. The Permittee shall secure all necessary building permits. The 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.
50. Construction plans shall be in substantial conformity to the approved Basic Concept/Schematic Drawings and associated Color and Materials Boards dated August 16, 2018, on file at CivicSD. Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s)/amendment(s) to the Project have been granted.
51. The Permittee shall defend, indemnify, and hold harmless CivicSD and the City (collectively referred to as "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.

52. 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 there.

This CCDP No. 2018-48 is granted by the City Council on February 4, 2019.

CIVIC SAN DIEGO:

OWNER:

James Alexander Date
Associate Planner

Eric Caldwell Date
City of San Diego

PERMITTEE:

**Note: Notary acknowledgement
must be attached per Civil Code
Section 1189 et seq**

Ron Brockhoff Date
Chelsea Investment Corporation

Passed by the Council of The City of San Diego on MAR 12 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 12 2019.

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Bready*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on FEB 11 2019, and on MAR 12 2019.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Bready*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21051