

THE CITY OF SAN DIEGO

### **REPORT TO THE HEARING OFFICER**

| HEARING DATE: | April 9, 2014  | REPORT NO. HO-14-021 |
|---------------|--|----------------------|
| ATTENTION:    | Hearing Officer                                      |                      |
| SUBJECT:      | 1941 -1954 COLUMBIA STREET<br>PROJECT NUMBER: 336459 |                      |
| LOCATION:     | 1941 -1954 Columbia Street, San Di                   | iego, CA 92101       |
| APPLICANT:    | Hossein Zomorrodi, K&S Engineeri                     | ng, Inc.             |

#### **SUMMARY**

<u>Issue</u>: Should the Hearing Officer approve a Tentative Map Waiver to create 18 residential condominium units, currently under construction, located at 1941-1945 Columbia Street within the Downtown Community Plan.

Staff Recommendation: APPROVE Tentative Map Waiver No. 1192936.

<u>Community Planning Group Recommendation</u>: On January 22, 2014, the Downtown Community Planning Council voted 14-0-0 to recommend approval of the project with no additional conditions.

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305, Minor Alterations in Land Use Limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 8, 2014 and the opportunity to appeal that determination ended January 29, 2014.

#### BACKGROUND

The project site is located at 1941 – 1945 Columbia Street on a single, 5,000 square-foot (0.11acre), parcel lot within the Mixed Commercial Zone of the Little Italy Neighborhood of the Downtown Community Plan area. The site is being developed with residential apartment units, currently under construction.

On August 6, 2012, Civic San Diego issued a Centre City Development Permit (CCDP No. 2012-36) to West Ventures LP for the development of a four-story over podium residential development with 14 apartment units on this site. The CCDP No. 2012-36 was amended and approved on March 21, 2013 to allow construction of 18 apartment units on this site. In April 2013 the City of San Diego issued construction permits for the development of this site. Construction of the residential development is anticipated to be completed by 1<sup>st</sup> half of 2014.

#### DISCUSSION

The proposed project is a Tentative Map Waiver to waive the requirements for a Tentative Map for the subdivision of the 0.11-acre site to create 18 residential condominium units (under construction and in accordance with the previously approved CCDP No. 2012-36). Section 125.0120(b)(1) of the San Diego Municipal Code (SDMC) allows a Tentative Map Waiver to be processed for the subdivision of land. The subdivider may request a waiver of the requirement to file a tentative map and parcel map or final map for the construction of a new condominium project on a *single parcel* that was previously mapped and monumented in a manner satisfactory to the City Engineer in accordance with Subdivision Map Act Section 66428(b).

According to SDMC Section 125.0123, Findings for Map Waivers, the decision maker may approve a Map Waiver if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Since the subject development meets these requirements, the project is eligible for a Process Three Map Waiver.

Also, the project complies with the City's Inclusionary Affordable Housing Ordinance and has previously paid the required Inclusionary Affordable Housing Fee on April 18, 2013.

#### CONCLUSION

Development Services completed the review of the requested Tentative Map Waiver application and determined the proposed project would be consistent with the Downtown Community Plan and would comply with all relevant sections of the City of San Diego Land Development Code and the State Subdivision Map Act. Staff concludes that all of the necessary findings to approve the project can be affirmed (Attachment 5) and that the conditions applied to the Map Waiver (Attachment 6) are sufficient to insure the project would be in harmony with the surrounding community.

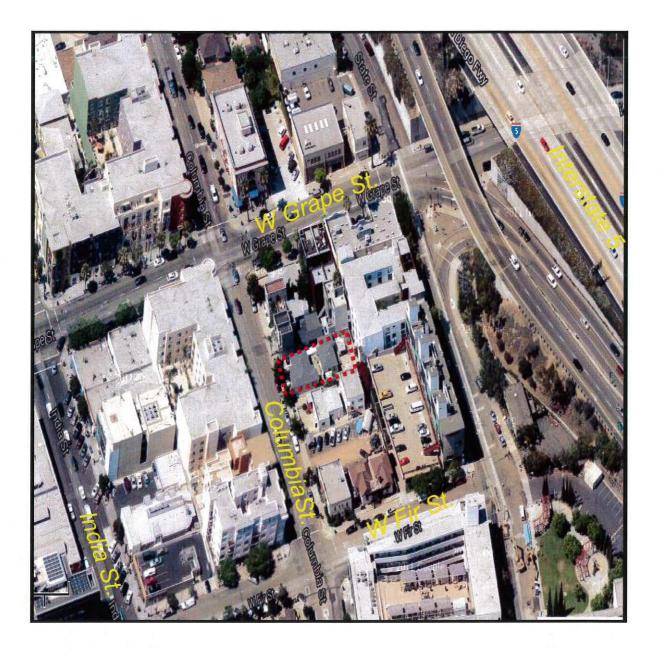
#### ALTERNATIVES

- 1. Approve Tentative Map Waiver No. 1192936, with modifications.
- 2. Deny Tentative Map Waiver No. 1192936, if the findings required to approve the project cannot be affirmed.

Respectfully submitted, Tim Daly, Development Project Manager

- 2 -

- 1. Aerial Photograph
- Community Plan Land Use Map 2.
- Project Location Map 3.
- Project Data Sheet 4.
- 5.
- 6.
- Draft Map Resolution Draft Map Conditions Environmental Exemption 7.
- Map Exhibit-Tentative Map Waiver (Hearing Officer) Centre City Development Permit (CCDP) No. 2012-36 Community Planning Group Recommendation Ownership Disclosure Statement 8.
- 9.
- 10.
- 11.
- Project Chronology 12.

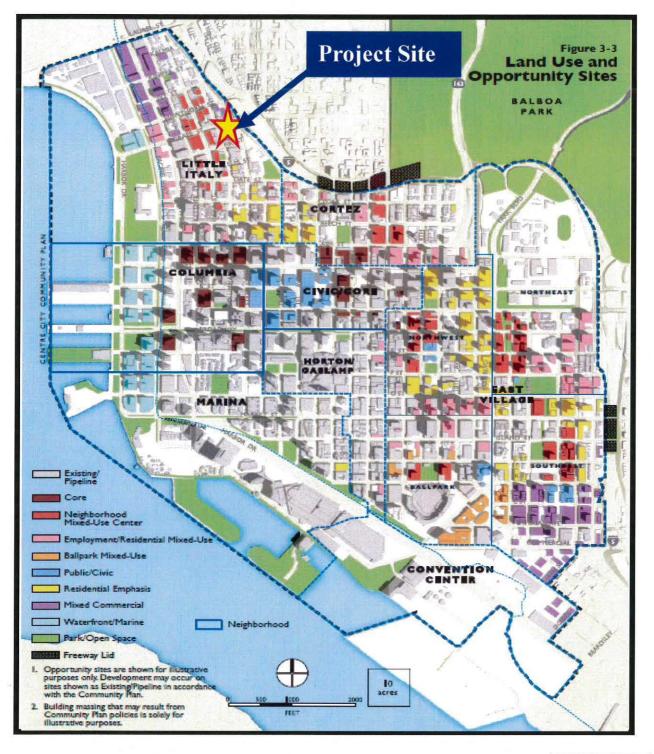




### **Aerial Photo**

1941 – 1945 Columbia Street, Project No. 336459 1941 – 1945 Columbia Street

North



### **Downtown Community Land Use Map**

1941 – 1945 Columbia Street, Project No. 336459 1941 – 1945 Columbia Street







### **Project Location**

1941 – 1945 Columbia Street, Project No. 336459 1941 – 1945 Columbia Street



| PROJECT DATA SHEET                             |   |   |  |  |  |
|--|---|---|--|--|--|
| PROJECT NAME:                                  | 1941 – 1945 Columbia Str  | reet  |  |  |  |
| PROJECT DESCRIPTION:                           | Create 18 residential cond<br>construction, at 1941 – 19  | ominium units, currently under<br>45 Columbia Street. |  |  |  |
| COMMUNITY PLAN<br>AREA:                        | Downtown  |   |  |  |  |
| DISCRETIONARY<br>ACTIONS:                      | Tentative Map Waiver  |   |  |  |  |
| COMMUNITY PLAN LAND<br>USE DESIGNATION:        | Mixed Commercial  | -   |  |  |  |
| ZONING:  | Mixed Commercial, Centre City Planned District (CCPD)   |   |  |  |  |
| ADJACENT PROPERTIES:                           | LAND USE EXISTING LAND USE<br>DESIGNATION &<br>ZONE   |   |  |  |  |
| NORTH:   | Mixed Commercial, Multi-family Residential<br>CCPD  |   |  |  |  |
| SOUTH:   | : Mixed Commercial, Single Family Residential CCPD  |   |  |  |  |
| EAST:  | Mixed Commercial,<br>CCPD Multi-family Residential  |   |  |  |  |
| WEST:  | Y:       Neighborhood Mixed-<br>Use Center, CCPD       Multi-family Residential   |   |  |  |  |
| DEVIATIONS<br>REQUESTED:                       | None  |   |  |  |  |
| COMMUNITY PLANNING<br>GROUP<br>RECOMMENDATION: | January 22, 2014, the Downtown Community Planning<br>Council voted 14-0-0 to recommend approval of the project<br>with no conditions. |   |  |  |  |

#### RESOLUTION NO. \_\_\_\_\_ DATE OF FINAL PASSAGE

#### A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO. 1192936 FOR 1941- 1945 COLUMBIA STREET – PROJECT NO. 336459

WHEREAS, WestVentures LP, Subdivider, and K&S Engineering, Inc., Engineer, submitted an application with the City of San Diego for Map Waiver No. 1192936, to waive the requirement for a Tentative Map for the creation of 18 residential condominium units. The project site is located north of Fir Street, south of Grape Street, and west of State Street at 1941 – 1945 Columbia Street in the Mixed Commercial Zone of the Centre City Planned District within the Downtown Community Plan. The property is legally described as Lot 3 in Block 44 of Middleton, in the City of San Diego, County of San Diego, State of California, according to Map by Jackson filed in the Office of the County Recorder of San Diego County; and

WHEREAS, the map proposes the subdivision of a 0.11 acre site into one (1) lot for a 18 units residential condominium development, currently under construction.; and

WHEREAS, on January 14, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations; and there was no appeal of

Project No. 336459 MW No. 1192936 April 9, 2014 Page 1 of 7

the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

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, the project consists of 18 units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, this subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 18; and

WHEREAS. on April 9, 2014, the Hearing Officer of the City of San Diego considered Map Waiver No. 1192936 and pursuant to sections 125.0122 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 1192936:

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

Project No. 336459 MW No. 1192936 April 9, 2014 Page 2 of 7

## (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 – 1945 Columbia Street in the CCPC-MC-City Center Planned District.

The proposed project is consistent with the land use residential designation of the Little Italy neighborhood of Downtown Community Plan. The project would meet the goals of the Downtown Community Plan and Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches and bays. The project is not within an identified view corridor or public access way. The proposed condominiums will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, setbacks, parking, landscape, and floor area ratio. Therefore, the proposed development is in conformity with the adopted Downtown Community Plan and Local Coastal Program and complies with the regulations of the Land Development Code. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

## 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b).

The project proposes to create eighteen residential condominiums currently under construction on one single 3.000 square-foot lot located at 1941 – 1945 Columbia Street in the CCPC-MC-City Center Planned District.

The residential structure was approved under Center City Development Permit No. 2012-36 in 2013 and construction permits were issued in 2013. The construction was determined to be consistent with the development regulations of the CCPC-MC-City Center Planned District/Center City Streetscape manual which includes height, setbacks, floor area ratio, landscaping and architectural design. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

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

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 - 1945 Columbia Street in the CCPC-MC-City Center Planned District.

The site is flat and has been previously graded. The eighteen condominiums are currently under construction and have obtained construction permits. The site fronts Columbia Street. The total Floor Area Ratio of 3.61 is below the maximum 6.0 and the total building height of 75 feet is below the 150 feet maximum permitted per the Center City Planned District Ordinance. Therefore, the site is physically suitable for the type and density of the development.

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

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 – 1945 Columbia Street in the CCPC-MC-City Center Planned District

The Map Waiver was reviewed by the City of San Diego for conformance to the Land Development Regulations, California Building Code, and Land Use Policies. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (existing facility) of the State CEQA Guidelines. The project is located within an urbanized and built out environment where there are no watercourses on or adjacent to the site. Therefore, the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

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

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 – 1945 Columbia Street in the CCPC-MC-City Center Planned District.

Minor land modifications are proposed with this Map Waiver to include the reconstruction of curb, gutter, sidewalk, driveway and landscaping along Columbia Street.

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The project 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. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (infill development project) of the State CEQA Guidelines. Therefore, the design of the subdivision or the

Project No. 336459 MW No. 1192936 April 9, 2014 Page 4 of 7

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

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

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 – 1945 Columbia Street in the CCPC-MC-City Center Planned District.

The proposed subdivision does not contain or propose any new easements for the development. The site has frontage on Columbia Street. The subdivision proposes public improvements to include the replacement of curb, gutter and sidewalk on Columbia Street. Therefore, the design of the subdivision and proposed improvements would 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 - 1945 Columbia Street in the CCPC-MC-City Center Planned District.

The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The new eighteen unit complex is prewired to facilitate for solar panels in the future. The cross ventilation air flow will provide natural cooling of all units Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 - 1945 Columbia Street in the CCPC-MC-City Center Planned District.

The Hearing Officer 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. The decision maker has determined that the provision of eighteen residential units and the associated increase in the need for public services and the available fiscal and environmental resources are balanced by adequate public transit in the immediate area, the proximity of shopping, and essential services and recreation in the nearby developed urban area. The project is within a mile from public transit and commercial and retail services. In addition, Balboa Park is located within two miles from the site. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The project proposes to create eighteen residential condominiums currently under construction on one single 5,000 square-foot lot located at 1941 - 1945 Columbia Street in the CCPC-MC-City Center Planned District.

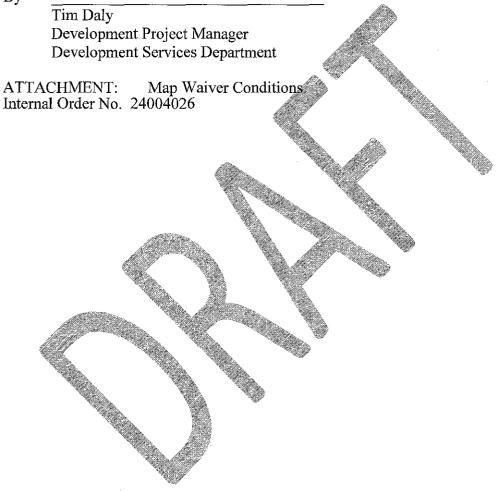
The proposed subdivision would comply with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban neighborhood and located on an existing improved and dedicated rightof-way. The development would not be subject to floodwater inundation. Drainage would be directed off the site into the City's storm water collection system. The property is within the jurisdiction of the City of San Diego and, therefore, all normal residential waste generated from the subdivision would be collected at curbside and disposed of in the city landfill. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b)).

That said Findings are supported by the minutes, maps, and exhibits, all of which

are herein incorporated by reference.

Project No. 336459 MW No. 1192936 April 9, 2014 BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1192936 is hereby granted to WestVentures LP subject to the attached conditions which are made a part of this resolution by this reference.

By



#### HEARING OFFICER CONDITIONS FOR MAP WAIVER NO. 1192936 1941 – 1945 COLUMBIA STREET- PROJECT NO. 336459 ADOPTED BY RESOLUTION NO. XXXX-HO ON APRIL 9, 2014

#### **GENERAL**

- 1. This Map Waiver will expire April 23, 2017.
- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
- 3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
- 4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 5. The Certificate of Compliance shall conform to the provisions of Centre City Development Permit No. 2012-36.
- 6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

#### AIRPORT

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

Project No. 336459 MW No. 1192936 April 9, 2014 Page 1 of 4

#### **ENGINEERING**

- 8. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
- 9. The Subdivider shall construct the required Public Improvements, as shown on the approved construction plan per approved Right-of-Way Permit No. 1072054, which including new curbs, gutters, sidewalks and driveway, to the satisfaction of the City Engineer.
- 10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 11. 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.
- 12. 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.

#### PUBLIC UTILITIES

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

#### MAPPING

15. "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

Project No. 336459 MW No. 1192936 April 9, 2014 Page 2 of 4

California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

- 16. "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."
- 17. Prior to the issuance of a Certificate of Compliance, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set. If any property corners are missing, they must be set and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.
- 18. Every Certificate of Compliance 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.

#### **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

Project No. 336459 MW No. 1192936 April 9, 2014 Page 3 of 4

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).



Project No. 336459 MW No. 1192936 April 9, 2014 Page 4 of 4

#### NOTICE OF EXEMPTION

Recorder/County Clerk P.O. Box 1750, MS A-33 1600 Pacific Hwy, Room 260 FROM: City of San Diego **Development Services Department** 1222 First Avenue, MS 501 San Diego, CA 92101

Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

San Diego, CA 92101-2422

Project No.: 336459

#### Project Title: Columbia TM Waiver

Project Location-Specific: 1941-1945 Columbia Street, San Diego, California 92101

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: The project proposes a Tentative Map Waiver (TMW) to waive the requirements of a tentative map to allow creation of 18 residential condominium units (under construction) on a 0.11-acre site.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Jeff Svitak (Applicant)

Westventures, LP (Firm) 1504 India Street #A San Diego, California 92101 (858) 518-1816

Exempt Status:

() Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a)); ()

() Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))

(X) Categorical Exemption: CEQA Exemption 15305-(Minor Alterations in Land Use Limitations)

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15305 which addresses minor alterations in land use limitations in areas with an average slope of less than 20 percent, and which do not result in any changes in land use density. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

#### Telephone: (619) 446-5468

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project? () Yes () No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

Isenior-Planner

Signature/Title

Check One: (X) Signed By Lead Agency () Signed by Applicant

January 8, 2014 Date

Date Received for Filing with County Clerk or OPR:

Revised 010410mjh

TO:

## Map Exhibit – Tentative Map Waiver (Hearing Officer)

1

RECORDING REQUESTED BY: Civic San Diego Architecture & Planning Division

401 B Street, Suite 400 San Diego, CA 92101

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WHEN RECORDED MAIL TO: Civic San Diego Attn: Planning Department 401 B Street, Suite 400 San Diego, CA 92101



DOC # 2013-0212525

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

#### Centre City Development Permit No. 2012-36 Columbia (APN#533-582-05-00)

Refinements:

1. This permit supercedes Centre City Development Permit No. 2012-36 dated August 6, 2012,

Document No. 2012-0613650 recorded on October 8, 2012.

2. The permit changes have been noted in strikeout/underline.

3. All signatures were updated and notarized, as necessary.

er: QuickView\_ Dec: SD:2013-00212525~06073------

Public Record

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Amended Centre City Development Permit No. 2012-36 COLUMBIA Page 2 of 11

#### Centre City Development Permit No. 2012-36 Columbia

This Centre City Development Permit No. 2012-36 is granted by Civic San Diego (CSD) to WestVentures LP (Owner/Permittee), pursuant to San Diego Municipal Code (SDMC) section 156.0304(e). The 5,000 square foot site is located on the east side of Columbia Street between Grape and Fir Streets in the Little Italy Neighborhood of the Downtown Community Plan Area further described as Lot 3 in Block 44 of Middletown, City of San Diego, County of San Diego, State of California on file in the Office of the San Diego County Recorder's Office;

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate uses as described and identified by size, dimension, quantity, type and location as follows and on the approved exhibits dated August 3, 2012, on file in the CSD Planning Department.

#### <u>General</u>

The Owner/Permittee shall construct, or cause to be constructed on the site, a 4-story over podium residential development consisting of  $44-\underline{18}$  apartment units. The total Floor Area Ratio (FAR) of the development for all uses above ground shall not exceed 6.0 (includes all FAR Bonues). The building shall not exceed a height of 150 feet above 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).

#### AIRPORT REQUIREMENTS

#### 2. <u>Airport Approach Overlay Zone</u>

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

#### 3. Avigation Easement

Prior to issuance of any building permits, the Owner/Permittee shall grant an avigation easement to the San Diego County Regional Airport Authority as the operator of the San Diego International Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement, as required by the Airport Land Use

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> Commission (ALUC). The Owner/Permittee shall use the avigation easement form provided by the San Diego County Regional Authority. A note shall be placed on all building plans indicating that an avigation easement has been granted across the property to airport operator. The note shall include the County Recorder's recording number for the avigation easement.

#### PLANNING AND DESIGN REQUIREMENTS

#### 4. Urban Design Standards

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

a. Architectural Standards - The architecture of the development shall establish a high quality of design and complement the design and character of the Little Italy Neighborhood and the site's location on Columbia Street as shown in the approved Basic Concept/Schematic Drawings on file with CSD. The development shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.

- b. Form and Scale The development shall consist of a 4-story building with podium with a building height of 75 feet measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the CCPDO and the FAA. All building elements shall be complementary in form, scale, and architectural style.
- c. Elevations The development shall minimize the appearance of continuous solid walls by providing glazing, off- set planes, reveals, texture and distinct material/colors to create shadowing and texture, as shown in the Basic Concept/Schematic Drawings. Specifications for the articulation of the elevations shall be submitted with <u>100 %Construction Drawings</u>.
- d. Building Materials All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within 1 (one) inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard trowled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. All down-spouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the

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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 the CSD. A final materials board which illustrates the location, color, quality, and texture of proposed exterior materials shall be submitted with <u>100% Construction Drawings</u> and shall be consistent with the materials board approved with the Basic Concept/ Schematic Drawings.

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/motor-court entrances 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.

- 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 development 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 development shall implement a recyclable trash materials.
- 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 development, including associated townhouses with individual street entrances. Individual commercial spaces shall utilize a centralized delivery stations within

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the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.

- h. Circulation and Parking 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 <u>100%</u> Construction Drawings.
- Open Space/Project Amenities A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups shall be submitted with <u>100% Construction Drawings</u>.
- j. Roof Tops A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with <u>100% Construction Drawings</u>. Any roof-top - mechanical equipment must be grouped, enclosed, and screened from surrounding views.
- k. Signage All signs shall comply with the City of San Diego Sign Regulations and the CCPDO.
- Lighting A lighting plan which highlights the architectural qualities of the proposed development and also enhances the lighting of the public right-of-way shall be submitted with <u>100% Construction Drawings</u>. All lighting shall be designed to avoid illumination of adjoining properties.
- m. Noise Control All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City of San Diego Noise Ordinance and California Noise Insulation Standards as set forth in Title 24 of the California Code of Regulations. All mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Owner/Permittee shall provide evidence of compliance at 100% Construction Drawings.
- n. Energy Considerations The design of the improvements shall include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design. The Owner/Permittee shall demonstrate consideration of such energy features during the review of the <u>100% Construction Drawings</u>.
- Street Address Building address numbers shall be provided that are visible and legible from the public right-of-way.

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5. <u>On-Site Improvements</u>

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 <u>100%</u> <u>Construction Drawings</u>. Any on-site landscaping shall establish a high quality of design and be sensitive to landscape materials and design planned for the adjoining public rights-of-way.

#### PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS

#### 6. 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:

| Streetscape Manual | Columbia Street                            |
|--------------------|--|
| Paving             | Little Italy Standard                      |
| Street Trees       | Raywood Ash*                               |
| Litter Receptacle  | Little Italy - Victor Stanley SD-42 Green, |
| _                  | Tiger Drylack RAL 6005                     |

All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the Centre City Streetscope Manual, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water service from the subject property.

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

- a. Street Lights All existing lights shall be evaluated to determine if they meet current CSD and City requirements, and shall be modified or replaced if necessary.
- b. Sidewalk Paving Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement with the City.
- c. 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

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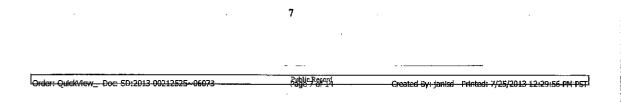
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approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of CSDwithin 30 days of damage or Certificate of Occupancy.

- d. Planters The maximum allowed encroachment for planters into the right-of-way shall be two feet, six inches, measured to the face of the curb or other barrier surrounding the planted area. A minimum 6-foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the right-of-way.
- e. On-Street Parking The Owner/Permittee shall maximize the on-street parking wherever feasible.
- f. Public Utilities 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. The Owner/Permittee may use existing laterals if acceptable to the City, and if not, Owner/Permittee shall be to the City, and in the manner required by the City, and install new laterals. Private sewer laterals require an Encroachment Maintenance and Removal Agreement.

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 Owner/Permitee 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.

- g. 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 development 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.
- Fire Hydrants If required, the Owner/Permittee shall install fire hydrants at locations satisfactory to the City of San Diego Fire Department and Development Services Department.



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#### WATER AND WASTEWATER REQUIREMENTS

i. Water Meters and Backflow Preventers - The Owner/Permittee shall locate all water meters and backflow preventers in locations satisfactory to the Public Utilities Department and CSD. Backflow preventers shall be located outside of the public right-of-way adjacent to the development'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, Public Utilities 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.

#### 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 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 agency, CSD, and other authorities for approval in connection with obtaining a building permit for the construction of improvements on the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
  - 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.

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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.

#### STANDARD REQUIREMENTS

 Environmental Impact Mitigation Monitoring and Reporting Program (MMRP) As required by the San Diego Municipal Code Section 156.0304 (f), the development shall comply with all applicable MMRP measures from the 2006 Final Environmental Impact Report (FEIR) for the Downtown Community Plan.

#### <u>Development Impact Fees</u>

The development will be subject to Centre City Development Impact Fees. For developments containing commercial space(s) the Owner/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 Owner/Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed.

#### 10. <u>Construction Fence</u>

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 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.

#### 11. Development Identification Signs

Prior to commencement of construction on the Site, the Owner/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 (4) feet by six (6) feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include:

--- Color rendering of the development

-- Development name

--- Developer

--- Completion Date

--- For information call

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All signs shall be limited to a maximum of 160 square feet per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to CSD for approval <u>prior to installation</u>.

- 12. This Centre City Development 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 (EOT) has been granted. Any such EOT must meet all SDMC and CCPDO requirements in effect at the time of extension are considered by the appropriate decision maker.
- Issuance of this Permit by CSD does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies.
- 14. 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.
- 15. 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 of San Diego.
- 16. 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.
- 17. The Owner/Permitee 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/Permitee 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/Permitee 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/Permitee shall not

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be required to pay or perform any settlement unless such settlement is approved by Owner/Permitee.

APPROVED by CSD of March 21, 2013 BY: Aida L. Contreras, Senior Planner Civic San Diego

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The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

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By:

Manjit Singh Pabla, Managing Member West Ventures, LP.

Note: Notary Acknowledgement must be attached per Civil Code Section 1189 et seq.

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| State of California   | J  |
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| countrol San Diego  |  |
| County of <u>San Diego</u><br>on <u>March 21, 2013</u> before me, <u>La</u> | Tanks Vuelly thread Notary   |
| On <u>AVGI CV 21, 20, 5</u> before me, <u>CGC</u>                           | Haro ingent Name and Tile of the Officer   |
| personally appearedAida   | Luz Contreras  |
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|   |  |
|   | who proved to me on the basis of satisfactory<br>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 this/her/their authorized capacity(ies), and that by -   |
| LATONYA YVETTE HUSSAIN  | his/her/their signature(s) on the instrument the   |
| Commission # 2000921<br>Netary Public - California<br>San Diale County      | person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  |
| My Comm. Etaires Des 13. 2018   | I certify under PENALTY OF PERJURY under the   |
|   | laws of the State of California that the foregoing   |
|   | paragraph is true and correct.   |
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| Document Date:  | Number of Pages:<br>Signer's Name:<br>Corporate Officer Title(s):  |
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|----------|--|
|          | 9898<br>NOTARY SEAL CERTIFICATION  |
|          | (Government Code 27361.7)  |
|          | I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE<br>DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:   |
|          | Name of the Notary: LATOINIA WETTE HUSSAIN   |
|          | Commission Number: معن المحصور ا |
|          | County Where Bond is Filed:  |
|          | Manufacturer or Vendor Number: <u>Live I</u><br>(Located on both sides of the notary seal border)  |
|          | Signature: <u>AIDA LUZ CONTRERAS</u>   |
|          | Place of Execution: San Diego Date: 3 121 12013  |
|          | Place of Execution: <u>San Diego</u> Date: <u>3 / 21 / 2013</u>  |
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| <b>:</b> | Rec. Fam #R(9,1 (Rev. 6/1103)  |
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#### DOWNTOWN COMMUNITY PLANNING COUNCIL MINUTES OF THE MEETING OF JANUARY 22, 2014

Call to Order: Chair Laura Garrett @ 5:21 Roll Call: Stand In Secretary Pat Stark noted that 14 of 21 members were present, constituting a quorum

Members Present @ Call to Order (14): Monica Ball, Jessica Cometa, Claudia Escala, Laura Garrett, Sal Giametta, Bill Keller, Lindsay King, Judith Meeks, Kyle Peterson, David Priver, Michael Rosenbaum, Kirsten Schweizer, Pat Stark, Luke Vinci

Members Absent (7): Debbie Carrigan, Diana Clark, Pablo Collin, James Lawson, Scott Morgan, Judy Radke, Dan Wery Late Arrival (0): Early Departure (0):

Elected (2): Cindy Blair, Harold Clayton

#### 2. Approval of Minutes:

Motion: Move to approve November 13, 2013 meeting minutes as written

1st. Priver 2nd. Vinci

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 11       | 0       | 3       | 0      |

In Favor: Ball, Cometa, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Stark, Vinci Opposed: None Abstain: Escala, Rosenbaum, Schweizer Recuse: None

Motion: Move to approve December 11, 2013 meeting minutes with corrections

| 1st. Priver | 2nd. | Vinci |  |
|-------------|------|-------|--|
|-------------|------|-------|--|

| DCPC 11 0 3 0 |      | In Favor | Opposed | Abstain | Recuse |
|---------------|------|----------|---------|---------|--------|
|               | DCPC | 11       | 0       | 3       | 0      |

In Favor: Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Stark, Vinci Opposed: None

Abstain: Ball, Cometa, Schweizer Recuse: None

#### 3. Public Comments on Non-Agenda Items:

Joyce Summer introduced Port Commissioner Marshall Merrifield, City representative inducted last year. He also serves on the Leadership Team to end Homelessness.

#### 4a. Elected Representative's Comments:

Marshall Merrifield, one of the three Port Commissioners appointed by city council

- Port has 650 tenants and 550 employees. Commissioner's charge is to enhance revenues while being good stewards of the natural environment.
- Keith Walzak, Port Manager of Land Use and Planning, introduced "50 year plan effort for the Big Bay". Since Land Leases are typically for 30+ years, a longer range vision for the Bay is necessary. The goal is to go to the Coastal Commission with a unified long term plan; looking for Public Input from DCPC tonight after presentation later in the Agenda.

Anthony Bernal, Todd Gloria office:

- Reminded all that Feb. 11 is election date for permanent mayor
- Council has passed Hospitality Zone Parking Meter change; in area between Broadway and Harbor Drive, 1<sup>st</sup> - 7<sup>th</sup> street, meter time is revised to 10am to 8 pm effective March 3<sup>rd</sup>

#### 5. Chairperson's Report

Laura Garrett

Toni Atkins, local Representative, has been elected new leader of Assembly.

- Balboa Park Committee has finally selected our representative as Diana Clark.
- Bylaw Policy for Absences 4 in a calendar year or 3 in a row. Work and other schedules have made it difficult, causing both Kim Brewer and Bill Reynolds to resign this month. Harold Clayton's absences (3 in a row early in year), have also required his resignation.

#### 5a. Subcommittee and Liaison

Monica Ball, Social Issues Committee:

- Need volunteers for 2 open spots for Annual HUD Required Point In Time Count with Downtown Partnership team working out of Golden Hall, check in 4am Friday morning 1/24.
- · Scheduling meeting with SD Housing Committee as follow up from Meeting with PATH

Kyle Peterson, Airport Noise Advisory Committee

- Downtown represents only 2% of airport noise complaints;
- Land Use Compatibility Plans to go before Airport Board in February

#### Information

6. Port of San Diego Updates – Keith Walzak, Port Manager of Land Use and Planning Preparing the first update of the Port Master Plan in 30 years; originated in 1983 w/ 25 subsequent project specific amendments; Giving presentation to many civic groups for information and input

- Generating a legal document of regional and local significance with the following objectives:
   High level assessment of land and water assets
  - High level assessment of land and v
  - Engage all community members
  - Build upon previous planning efforts
  - Identify "big" ideas for the region
     Create excitement on waterfront
  - o Continue implementation of Coastal Act of 1976 to protect the Tideland Trust resources
  - Preparing for Coastal Commission Certified plan
    - Steps include Assessment, Vision, Outreach
    - Field Research included bus and boat tours
    - o Two upcoming town halls for public input B St. Pier and Norman Park, Feb. 18 & 19
    - Port area includes 6000 acres of water & land; 60% water based
    - 21 parks and open space = 15.9%; linear parks which are difficult to activate
       Need to understand barriers and linkages to bay;
    - Integration of Plan Elements includes Environmental, Climate Plan, and Development Review Processes.

#### Comment/ Discussion:

- Will you target potentially problematic constituencies?
  - Port: Yes, have ongoing stakeholder list of 500+ including Coastal Commission Staff; want them
    as partners in the process;
  - Interest in incorporation of watershed "fingers" which jut into the communities from the bay
  - Conventional Citizens Advisory Committee not appropriate at this time, but in place for next phase.
- Daniel Fegan, public: Concern about maintaining good view corridors; what about alternate generation development?
  - o Port: These studies are part of this process incorporated in design standards
- Laura Garrett, DCPC: There is a cool authenticity to the integration of working and playing market space like Tokyo.

#### 7. Project Updates

Brad Richter, CIVIC San Diego

- Silo District CUP approved
- Andaz Hotel rooftop CUP denied by Hearing Officer; appeal filed to CivicSD Board for future hearing
- Industrial buffer around Solar Turbines scheduled for hearing before Council next week
- Thursday Planning Commission considering Food Truck regulations currently proposed to be allowed throughout downtown the same as the rest of the City, but prohibited in the Gaslamp Quarter

- Feb. 6 Airport Authority considering final airport land use plan which affects northern Little Italy development potential
- Waiting on finalization of SANDAG grants for East Village Green and 14<sup>th</sup> Street Promenade Master Plans
- Applied for State Grant for 14<sup>th</sup> Street Promenade Demonstration Block adjacent to Police Headquarters, however, may be denied because City will not provide commitment to maintain
- Bike racks delivered to city this Friday or Monday; no installation scheduled yet; locations need final
  permission from fronting property owners.
- Bikeshare first phase operational in June

#### Consent

#### 8. Atmosphere

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 13       | 0       | 0       | 1      |

In Favor: Ball, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

Recuse: Cometa

#### 9. 1942-45 Columbia Street

|                   | In Favor         | Opposed              | Abstain            | Recuse           |              |
|-------------------|------------------|----------------------|--------------------|------------------|--------------|
| DCPC              | 14               | 0                    | 0                  | 0                |              |
| In Favor: Ball, C | ometa, Escala, G | arrett, Giametta, Ke | eller, King, Meeks | Peterson, Priver | , Rosenbaum, |
| Schweizer, Star   |                  |                      |                    |                  |              |

Recuse: None

#### 10. Alpha Square

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 12       | 0       | 0       | 2      |

In Favor: Ball, Escala, Garrett, Giametta, Keller, King, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

Recuse: Cometa, Meeks

#### 12. 2014 Elections Subcommittee Appointments

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 14       | 0       | 0       | 0      |

In Favor: Ball, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci Recuse: None

13. Downtown Community Planning Council Bylaws Amendment

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 14       | 0       | 0       | 0      |

In Favor: Ball, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci Recuse: None

Action

14. Mid-Term Elections

Pat Stark, resigned from Community Seat, elected to East Village Business seat; Cindy Blair, elected to Marina Business seat; Harold Clayton, elected to Gaslamp Resident seat

Motion: Move to elect Stark, Blair, and Clayton to respective vacant seats. 1st. Vinci 2nd. Cometa

|                  | In Favor        | Opposed | Abstain    | Recuse        |
|------------------|-----------------|---------|------------|---------------|
| DCPC             | 14              | 0       | 0          | 0             |
| E Farren Dall Ca | mate Feedle Cer |         | -II IZ MAI | Deterre Daire |

In Favor: Ball, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

#### Motion: Move to maintain Blair as Secretary

1st. Keller 2nd. Stark

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 14       | 0       | 0       | 0      |

In Favor: Ball, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

#### 11. 15<sup>th</sup> & Market

Motion: Move to approve proposal

| TSt. Stark 2nd. K |          | 0       |         |        |
|-------------------|----------|---------|---------|--------|
|                   | In Favor | Opposed | Abstain | Recuse |
| DCPC              | 13       | 0       | 0       | 3      |

In Favor: Ball, Blair, Clayton, Cometa, Garrett, Giametta, Keller, King, Priver, Rosenbaum, Schweizer, Stark, Vinci

Opposed: None

Abstain: None

Recuse: Escala, Meeks, Peterson

#### 15. Circulator Shuttle Implementation

Downtown & Uptown Community Parking Districts - Daniel Reeves, CIVIC

Staff recommends approval of Strategic Implementation Plan and strategy for implementation allowing further development of a downtown/ Bankers Hill/ Hillcrest transit circulation system; includes creation of an operating organization to implement the Shuttle and oversee its operation. Pilot program aimed for initiation by December 2014. Uptown Community Planning Group has not completed steps to approve/ committed to funds yet; Uptown planners in process of public outreach. CIVICSD and UP will be co-founders represented by a Board of Directors proportional to financial contribution.

Public Discussion:

- Cynthia Morgan, Board Chair CIVIC San Diego and member of Shuttle Advisory Committee: Entity is
  important to support funding and partnering with other groups. Further Entity development discussion
  will include the Port, City of San Diego, all major stakeholders; currently searching for Executive
  Director.
- Tim Hall, Marina District Resident: In support but expressed several concerns about separate entity from MTS – two networks and fare systems; Consider cross-honoring fares like in MTS does with North County Transit System. Further public input should be solicited before proposed pilot route finalized as destinations like beach access might garner more weight.
- Christian Chaffee, with nonprofit restoring historic streetcars: He is working with Little Italy to restore to Kettner and India streetcar routes as a pilot project. Streetcars are uniquely suited to urban environment, would complement the Circulator and could expand to other neighborhoods.
- Daniel Beeman: Consider bike racks on shuttle like MTS. Talk to hotels, motels, rental car agencies about sharing shuttles which could augment the system. Consider alternative energy sources.
- Gary Smith, DRG: strongly recommends; structure important to further setup/ will ensure professionalism; can negotiate as private entity/ deals for Cruise and Convention trade and Symphony/City Hall shuttle coordination
- Danny Reeves: Plan is a guide/ tool for implementation. Not in competition with Streetcar proposals; if
  routes overlap, they can be adjusted.

#### Committee Discussion:

Concern about SANDAG previous stand that Circulator not needed

Motion: Move to recommend that CIVIC approve Strategic Implementation Plan proposal and one year pilot project. 1st Vinci 2nd Priver

|   | In Favor          | Opposed               | Abstain           | Recuse         |               |
|---|-------------------|-----------------------|-------------------|----------------|---------------|
| DCPC                                    | 16                | 0                     | 0                 | 0              |               |
| n Favor: Ball, Blai                     | r, Clayton, Comet | a, Escala, Garrett, G | Giametta, Keller, | King, Meeks, P | eterson, Priv |
| In Favor: Ball, Blai<br>Rosenbaum, Schv |                   |                       | Giametta, Keller, | King, Meeks, P | eterson, I    |
| Opposed None                            |                   | -                     |                   |                |               |

Abstain: None

Recuse: None

#### 16. Stone Tap Room (795) J Street)

Amendment to Conditional Use Permit No. 2008-39 to allow modifications for off-site alcohol sales – East Village Neighborhood – Lorena Cordova

No presentation considered necessary at request of DCPC as proposal is straightforward.

#### Public Discussion:

- Joshua Lichtman, project manager for Stone Brewery: propose development of Stone Taproom restaurant and brewery tasting room in former retail space Wine Steals on the Park, requiring amendment to existing CUP to support beers sales for on- and off-site consumption. Project is supported by East Village Association and Legends HOA; Hope to open by March 15
- Gary Smith, DRG: In favor

Committee Discussion:

Compliments on Kettner location business; will be welcome addition to activate this "black hole" in the
pedestrian way.

Motion: Move to support staff recommendation to approve amended CUP No. 2008-39, subject to the conditions listed in the Draft Permit that CIVIC approve Strategic Implementation Plan proposal as one year pilot project.

| 1st. Rosenbaum 2nd. | Vinci |
|---------------------|-------|
|---------------------|-------|

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 16       | 0       | 0       | 0      |

In Favor: Ball, Blair, Clayton, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

Opposed: None Abstain: None

Recuse: None

17. Quartyard (1102 Market Street) – Conditional Use Permit N. 2013-33 to allow outdoor activities East Village Neighborhood – Lucy Contreras

This project is a 2 year temporary use (in lieu of storage yard) on a successor agency owned 52000 SF site at Park and Market. Slated for a more intensive future use, approval will allow an interim flexible use of a "pop-up marketplace", holiday events, unique businesses in 16 storage units, food trucks, and live entertainment. CIVIC staff recommends approval with these conditions:

- Permit Operating Conditions: Sunday- Thursday till 10pm; Friday, Saturday till 11pm ( in lieu of 12pm requested by applicant). Conditions are similar to Silo at Makers Quarters
- Noise mitigation measures, as identified in a required Acoustical Study, must be implemented to mitigate noise impacts on area residents. Live entertainment will be limited to 4x/ month similar to Makers Quarters. For flexibility, non-amplified music could be considered more often.

Philip Auchettl, Managing Member, Rad Lab Quartyard LLC: Proposal is for a temporary ever-changing activity space, to move elsewhere when economic viability changes. Initiated as a thesis project for New School of Architecture, the result includes a lot of public outreach and input. Use of Storage containers for

3000 SF of prefabricated space evolved from good examples of other cities using storage containers, good pre-manufacturability and transportability. The LLC has raised 60\$K through Kickstarter to implement project. East Village Residents group supports.

Questions/Committee:

- Toilet facilities: will include 14 stalls on site with augmentation of Port- A-Potties for big events.
- Concern about increase of events among several new spaces which spin off into crowd dispersion (pedicab, etc.) noise for several blocks around for longer period than actual event; new residential areas proposed and, not currently represented, may be affected
- Timeline: Opening schedule for end of June 2014; site improvements can begin simultaneously with
  off-site manufacturing
- Management and oversight: Anchor tenant is Best Beverage Catering. LLC will hire full time venue manager and developer's office will be located on site.
- Entertainment: Seeking to utilize local bands of various natures
- Lease Terms: 2 year lease with 1 year extension; can move investment to new location at end of term
- Much DCPC support, including extension of entertainment hours on Friday and Saturday to12pm.

Public

Gary Smith, DRG: strongly support moving forward; would like administrative review 6 months into
operation.

Motion: Support C.U.P. with revised recommendations to include 48 music events over the year (maximum 8/month), operation hours till 12pm with music/entertainment cutoff at 11pm; additional acoustical events, and administrative review 6 months into operation.

1<sup>st</sup> Peterson 2<sup>nd</sup> Escala

Discussion: additional Special Events Permit would not be allowed;

#### Substitute Motion: to support CUP with up to 10 events/month with 48 music events ... 1<sup>st</sup> Reynolds but no second

Substitute Motion: to support CUP with revised recommendations to include 48 music events over the year (maximum 4/month), operation hours till 12pm with music cutoff at 11pm; additional acoustical events, and administrative review 6 months into operation. 1<sup>st</sup> Stark 2<sup>nd</sup> Meeks

Discussion: Peterson opposed; fear of too much music is unwarranted.

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 2        | 13      | 1       | 0      |

In Favor: Meeks, Stark

Opposed: Ball, Blair, Cometa, Escala, Garrett, Giametta, Keller, King, Peterson, Priver, Rosenbaum, Schweizer, Vinci

Abstain: Clayton

Recuse: None

Return to original motion: Support C.U.P. with revised recommendations to include 48 music events over the year (maximum 8/month), operation hours till 12pm with music/entertainment cutoff at 11pm; additional acoustical events, and administrative review 6 months into operation.

#### 1<sup>st</sup> Peterson 2<sup>nd</sup> Escala

|      | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 16       | 0       | 0       | 0      |

In Favor: Ball, Blair, Clayton, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

Opposed: None

Abstain: None

#### Recuse: None

18. Proposed Allocation of Development Impact Fee Funds for Fiscal Year 2014-2015 Downtown Community Plan Area – Brad Richter

DIFF are the main source of funding for projects downtown including fire stations, parks, and transportation infrastructure. All properties bought under Redevelopment for these purposes must be reviewed at state level - the Oversight Board and State Department of Finance. State could still demand disposal of properties; 50% of funds subject to state audit, leaving approximately \$10M available for projects. Staff requesting input on priority list for allocation of funds.

CIVIC recommendations to CIPRAC (various department heads at city) for expenditure of funds:

- Bayside Fire Station plans in plan check for construction start summer 2014
- · East Village Green Master Plan: 4.1 acres schedule
- East Village Green Phase 1 Design
- Children's Park:
- Date Street Piazza: north side of Date Street at India intersection

#### Clarifications:

Fee Deferral Program still in effect, allowing delay in payment until later in construction for phased projects like Pinnacle. This is delaying the amount of funds available for Children's Park.

- Some Bayside Fire Station funding from other previous funding sources.
- East Village Green Phase I scheduled for FY15; can't occur earlier as public outreach and city approval process takes this long.
- Maintenance for Children's Park provided by City;
- Date Street Piazza Fenton/developer. Could be feasible to squeak out funds for traffic lights, etc.
   Could recommend different prioritization. Will have opportunity to review plans next month.
- List does not show potential increase in DIF fees if some of State Audit set aside were available.

#### Public:

Support for development of Date Street Piazza in Little Italy:

- · John Contasti: Development on both sides would be concurrent with park
- Marco LiMandri: Vacating a street is not acquiring land, therefore a simpler less costly option. Project includes public toilets. Project should be considered a priority. It's ready to go and could be open by 2016. Little Italy has a good track record and commitment to maintenance.
- Sumrall Howell: Project adds to community and downtown vibrancy; reflects community values
- Anne MacMillan Eichman: support on behalf of Little Italy Association
- Catt White: resident business owner support; Little Italy Association good track record developing and maintaining
- Louis Balestini, Little Italy Association: Project honors long heritage of Italians in Little Italy; good public/ private collaboration
- Additional Date Street Piazza supporting speakers: Mark Guerra, Melissa Lamoureux
- · Gary Smith, DRG: DRG supports plan/ priorities as recommended by staff

Other concerns

 Daniel Beeman: concern that City is cutting park funds; advocates solar street lights – easy installation;

#### Committee Discussion:

Priver: supports Date Street Piazza even if General Plan amendment needed; Is second fire station necessary?; Children's Park currently avoided because of homeless and drugs – need to fix Stark: somewhat share Priver comments; wrong to allocate all money to station

Motion: Support CIPRAC funding proposal for funding distribution. 1<sup>st</sup> Stark 2<sup>nd</sup> Keller

#### Discussion:

- In support: Need to show united front on funding list; Date Street Piazza partially funded by developer Fenton / not a large organization; street currently closed at least weekly for Little Italy events so appropriate for community to pay for maintenance
- Against: Green space important for downtown; Children's Park no longer utilized by normal people; frustration that Fire Station moved ahead of other park projects when bonds not supported

#### No Vote Taken

Substitute Motion: DCPC supports funding of East Village Green, Children's Park, and Date Street Piazza but does not support Fire Station funding at this time. 1<sup>st</sup> Priver 2<sup>nd</sup> Vinci

#### Discussion:

Support deleting Fire Station funding at this time – fire station primarily supporting Port lands; International Fireboat could be creative funding option.

| 1 <sup>st</sup> | Priver | 2nd | Vinci |  |
|-----------------|--------|-----|-------|--|
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| _    | In Favor | Opposed | Abstain | Recuse |
|------|----------|---------|---------|--------|
| DCPC | 16       | 0       | 0       | 0      |

In Favor: Ball, Blair, Clayton, Cometa, Escala, Garrett, Giametta, Keller, King, Meeks, Peterson, Priver, Rosenbaum, Schweizer, Stark, Vinci

Opposed: None Abstain: None

Recuse: None

#### Miscellaneous

#### **19. Potential Agenda Items and Member Comments**

Open positions on DCPC include Horton, East Village Tenant, East Village Business, and Civic Org Seats.

#### Adjournment:

Meeting adjourned at 8:49 pm.

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#### DEVELOPMENT SERVICES Project Chronology 1941 – 1945 Columbia Street - Project No. 336459

| Date                       | Action                            | Description   | City<br>Review<br>Time | Applicant<br>Response |
|----------------------------|-----------------------------------|---|------------------------|-----------------------|
| 9/12/13                    | First Submittal                   | Project Deemed Complete                             |                        |                       |
| 11/1/13                    | First Assessment Letter           | First assessment letter sent to applicant           | 49 days                |                       |
| 12/13/13                   | Second submittal                  | Applicant's response to first assessment letter     |                        | 43 days               |
| 1/8/14                     | Second review complete            | Second assessment letter sent to applicant          | 26 days                |                       |
| 2/19/14                    | Issues resolved                   | Approval minutes for community group recommendation |                        | 42 days               |
| 4/9/14                     | Public Hearing-Hearing<br>Officer | Hearing Officer Meeting                             | 49 days                |                       |
| TOTAL STAFF TIME           |                                   |   | 124 days               |                       |
| TOTAL APPLICANT TIME       |                                   |   |                        | 85 days               |
| TOTAL PROJECT RUNNING TIME |                                   | From Deemed Complete to HO<br>Meeting               | 6 months 28 days       |                       |