

THE CITY OF SAN DIEGO

# **REPORT TO THE PLANNING COMMISSION**

DATE ISSUED:	October 11, 2012	REPORT NO. PC-12-103	
ATTENTION:	Planning Commission, Agenda of October 18, 2012		
SUBJECT:	COPLEY – PRICE FAMILY YMCA - PROJECT NO. 266825 PROCESS FIVE		
OWNER:	Fairmount and El Cajon Realty LLC, Sherry S. Bahrambeygui (Attachment 10)		
APPLICANT:	Robert Furey, REC Consultants, Inc.		

#### SUMMARY

**Issue(s):** Should the Planning Commission approve the demolition of an existing parking structure and the construction of a new two-story YMCA Facility, located at 4300 El Cajon Boulevard in the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area?

**Staff Recommendation: Recommend Approval of** Conditional Use Permit No. 941146, Planned Development Permit No. 941147, and Easement Vacation No. 1036047.

<u>Community Planning Group Recommendation</u>: The Kensington-Talmadge Planning Group voted to approve the project, with two recommendations, by a vote of 12-0-0, at their meeting on September 12, 2012 (Attachment 9).

**Environmental Review:** The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15332 – In-Fill Development Projects (Attachment 7). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 7, 2012 and the opportunity to appeal that determination ended September 21, 2012.

**Fiscal Impact Statement:** None with this action; the costs of processing this project have been paid by the applicant through a deposit account.

Code Enforcement Impact: None with this action.



**Housing Impact Statement:** The project proposes to construct a YMCA facility on a 3.70 acre site in the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area. The site has a land use designation of Commercial and Mixed-Use, and would allow for residential development up to 73 dwelling units per acre. The site's mixed use designation could potentially allow for the development of 0 to 270 housing units. The project consists of commercial recreational uses and would not result in the demolition of existing housing units or the creation of additional housing units in the Kensington-Talmadge community. The development of the proposed project would decrease the opportunity to provide housing stock in a time when the City Council has determined that the City of San Diego is in a housing state of emergency.

# BACKGROUND

The Copley – Price Family YMCA project site is located at 4300 El Cajon Boulevard within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area (Attachments 1 and 3). The project site is designated for Commercial and Mixed-Use in the Mid-City Communities Plan and is zoned CUPD-CU-2-4 (Attachment 2). Additionally, the site is located in the Transit Area Overlay Zone.

The project site was the prior location of Pearson Ford car dealership. In July 2009, the buildings associated with the Pearson Ford car dealership were demolished. The project area includes the currently vacant land bound by 43<sup>rd</sup> Street, El Cajon Boulevard, Meade Avenue and Fairmount Avenue and the existing parking structure from the original car dealership.

# DISCUSSION

#### **Project Description:**

The project proposes to construct a two-story, 53,400 square foot Recreation Facility, with 7,200 square foot of roof deck and balcony space; a 7,300 square foot enclosed pool; outdoor recreation space; and a 296-space above grade parking structure. The existing site is improved with an above grade parking structure that will be demolished as a part of the proposed development, the remainder of the site is currently vacant.

The proposed Recreation Facility would include the following on the first floor of the building: a gymnasium, four classroom areas, bathrooms, a day care area, 17 office spaces, storage areas, a women's locker room, a men's locker room, a community room, two kitchen areas, a lunch room, and a teen center area that includes an open gathering space, a computer room, a tutoring room and a homework room. The proposed second floor of the Recreation Facility would include a large fitness equipment area, four group exercise rooms, 5 bathrooms, an office space, a storage space and a 7,025 square foot roof deck off of the fitness equipment area along the northern portion of the building.

The outdoor space of the proposed Copley-Price Family YMCA will include an outdoor pool, a splash pad, a soccer arena, a synthetic turf warm up area, a play yard, a picnic area and a 296-

parking space above-grade parking structure. The project site plans are provided within Attachment 8 of this report.

The project would include two main points of access, one off of Fairmount Avenue, which leads into the proposed parking structure and one off of 43<sup>rd</sup> Street, which is a one-way driveway which provides an onsite drop-off zone for users of the recreation facility. The project will attain Leadership in Energy and Environmental Design (LEED) Silver Certification by providing the following: storm water management, heat island reduction (use of surface materials that reflect sunlight in order to avoid retaining heat), water use reduction, optimized energy performance (maximize insulation, install energy efficient lighting, provide natural light for interior spaces via skylights and installation of energy efficient HVAC equipment), construction waste management (70% of construction waste will be recycled), use of recycled content (exterior concrete walls will contain recycled materials as will some of the interior finishes), and the use of low-emitting materials for interior spaces. There is also a possibility of adding photovoltaic panels on the proposed shade structures on the roof of the new parking garage. These panels would be added to the project should it be needed in order to attain LEED Silver Certification.

The project site is located in an urban setting with a variety of uses surrounding the site. The Mid-Cities Community Plan identifies El Cajon Boulevard as a commercial corridor with a variety of commercial uses comprised within the commercial corridor. South of the project site, across El Cajon Boulevard is a variety of commercial uses, including a U-Haul at the southeast corner of El Cajon Boulevard and 43<sup>rd</sup> Street. East of the project site, across Fairmount Avenue are a vacant site and a mixture of single family and multi-family residences. North of the project site, across Meade Avenue, is a law office (at the northwest corner of Fairmount Avenue and Meade Avenue), and a mixture of single family and multi-family residences. In addition, the project site is located in a developed area currently served by existing public services and utilities.

Three discretionary actions are required to implement the proposed project:

- <u>Conditional Use Permit</u>: As part of the project, the applicant is requesting approval of a Conditional Use Permit to operate the proposed YMCA recreational facility. The project site is in the CUPD-CU-2-4 zone of the Central Urbanized Planned District. Pursuant to San Diego Municipal Code (SDMC) Section 155.0238, Table 155-02C, a Conditional Use Permit is required within this zone for all privately operated, outdoor recreation facilities over 40,000 square feet in size.
- <u>Planned Development Permit:</u> A Planned Development Permit is required for four proposed deviations for the proposed development. A deviation is requested for the street side setback requirement of a 10 foot maximum; a deviation for the location of the refuse storage 25 feet from the street or sidewalk; a deviation for transparency requirement along the east, south and west elevations of the proposed recreation facility building and a deviation from the offsetting plane requirements at the parking structure. These deviations provide for a more desirable project for the surrounding neighborhood and the proposed uses for the project site (Attachment 5).

- a. Street side setback requirement of 10 foot maximum deviation: The first deviation request is for the 10 foot maximum street side setback requirement. The setback is required to be a maximum of 10 feet to bring the buildings towards the streets for a pedestrian compatible design within the commercial corridor. The street side setback requirement is exceeded near the corner of 43<sup>rd</sup> Street and El Cajon Boulevard; northwest corner of Fairmount Avenue and El Cajon Boulevard; and in the area of the one-way driveway located on 43<sup>rd</sup> Street. This deviation is necessary to provide larger urban places for pedestrian use along the project site. This larger setback allows for widened sidewalks that provide gathering places with shade trees and seating for the public. The area of the one-way driveway is necessary to allow for the onsite drop-off zone for users of the recreation facility.
- b. Location of the refuse storage 25 feet from the street or sidewalk deviation: The second deviation is for the proposed location of the refuse storage area. The refuse storage area is required to be 25 feet from the street or sidewalk. This deviation is requested to allow for site functionality. The proposed placement of the refuse storage area is approximately 6 feet from the property line, which is the back of the sidewalk. The placement of the refuse storage area allows for refuse collection to occur onsite, in a safe manner, while not impeding traffic caused by backing of refuse trucks onto the surrounding public streets. The refuse enclosure gates are not facing the public right-of-way and proposed planting will partially screen the refuse storage area. The proposed refuse storage area is secured within the project fence surrounding the property.
- Transparency requirement along the east, south and west elevations of the proposed C. recreation facility building deviation: The third deviation is due to the location of the locker/shower rooms and indoor pool along the east elevation and the location of the gym along the south and west elevations. This deviation is necessary for privacy in the shower rooms and to provide a screen from pedestrians for areas where children will be participating in indoor pool activities and activities in the gymnasium. Pursuant to SDMC Section 131.0552, a minimum of 50 percent of street wall area between 3 and 10 feet above the sidewalk shall be transparent with clear glass visible into a commercial or residential use. The project site provides abundant transparency along the street facing elevations at the fitness area, group exercise areas, office areas, the teen center, and lobby areas. The proposed main entrance for the recreation facility is on El Cajon Boulevard which will provide greater access to the site for the general public using the onsite facilities. Increased public amenities of the 'plaza-like' space, with seating and shade trees, are provided to encourage public orientation/interaction and to offset the lack of transparency along the east, south and west elevations of the recreation facility building.
- d. Offsetting plane requirements for the new parking structure deviation: The fourth deviation is for the new parking structure offsetting plane requirements. The proposed parking structure does not meet the offsetting plan requirements on the 43<sup>rd</sup> Street and Meade Avenue elevations. This deviation is necessary for space efficient design of the proposed parking structure. The proposed parking structure is far less massive than the existing parking structure. The additional ground space that the proposed parking structure provides allows for more park-like space to be used for sports and outdoor play. The proposed parking structure will have a more open plan, providing better visibility

inside, which will be safer for those using the structure. The proposed parking structure is set further back from the property lines which allows for additional landscaping along the property lines to provide a more 'plaza-like' space in the area of the proposed parking structure.

Easement Vacations

The proposed project requires the vacation of a storm drain easement, a water and sewer easement and a utility easement (Attachment 6).

#### **Community Plan Analysis:**

The project proposes to develop a YMCA facility to include a recreation building, swimming pools, play yard, soccer field a new parking structure. The project site is located in the Kensington-Talmadge neighborhood of the Mid-City Communities Plan. The site has a land use designation of Commercial and Mixed Use. The proposed project provides recreational programs and facilities to the public consistent with the Commercial land use designation of the Mid-City Communities Plan. The proposed project would help implement the Land Use and Urban Design recommendations of the Community Plan by providing commercial recreation along 43<sup>rd</sup> Street and Fairmount Avenue. The proposed project is located at the intersection of Fairmount Avenue and El Cajon Boulevard, which is identified as a one of the Great Streets of Mid-City. The inclusion of public seating areas and shade-producing street trees are consistent with the recommendations for the Great Streets of Mid-City. The proposed project would incorporate sustainable building techniques including reflective materials, reduced water usage, efficient lighting and heating equipment, and recycled building materials to achieve Silver LEED certification, helping to implement General Plan Conservation Element policies that address sustainable development.

A deviation is being requested for the street side setback requirement of a 10 foot maximum. The setback is required to be a maximum of 10 feet to bring the buildings towards the streets for a pedestrian compatible design within the commercial corridor. The street side setback requirement is exceeded near the corner of  $43^{rd}$  Street and El Cajon Boulevard; northwest corner of Fairmount Avenue and El Cajon Boulevard; and in the area of the one-way driveway located on  $43^{rd}$  Street. This deviation would allow for larger urban amenities – including shade-producing street trees, public seating, and widened sidewalks – for pedestrian use along the project site. The proposed deviation would not adversely affect the urban design goals for commercial uses in the Mid-City Communities Plan.

A second deviation is being requested for the transparency requirements along the east, south and west elevations of the proposed recreation facility building. The proposed deviation along the east elevation is being requested to provide privacy for users of the indoor pool and the shower/locker rooms along the east elevation. The deviation would also cover the gymnasium facility along the south and west elevations in order to provide a screen from pedestrians for areas where children will be participating in indoor activities. The proposed project would provide transparency along the street facing elevations at the fitness area, group exercise areas, office areas, the teen center, and lobby areas. Reduced transparency at the southern corners of the project is offset by increased public amenities within the public plaza areas of the site. The provision of public seating and shade-producing street trees would help implement the Urban Design policies of the Plan and offset the lack of transparency along the east, south and west elevations of the recreation facility building.

#### **Project-Related Issues:**

The Kensington-Talmadge Community Planning Group had two conditions of their approval at their meeting on September 12, 2012. The first condition requests that the City of San Diego direct the utility providers to relocate the existing utility boxes on Meade Avenue and Fairmount Avenue. The utility boxes should be moved far enough onto the YMCA property to allow for landscaping along the public right-of-way and to bring the utilities into compliance with the General Plan's Mobility and Urban Design Elements. Additionally, the YMCA shall grant easements to the utility companies for the movement of utility boxes if the utilities won't underground their services within the public right-of-way. The second condition is to have the sidewalk textured a medium broom finish. These conditions were not included as project conditions because the City of San Diego does not have the authority to direct the locations of utility boxes and there is no nexus for requiring the textured sidewalk.

#### Conclusion:

Staff has determined the proposed Copley-Price Family YMCA project complies with the applicable sections of the Municipal Code and adopted City Council policies. The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15332 – In-Fill Development Projects. Staff has determined the required findings would support the decision to approve the proposed project's Conditional Use Permit, Planned Development Permit and Easement Vacation.

# **ALTERNATIVES:**

- 1. Recommend Approval of Conditional Use Permit No. 941146, Planned Development Permit No. 941147, and Easement Vacation No. 1036047, with modifications.
- 2. Recommend Denial of Conditional Use Permit No. 941146, Planned Development Permit No. 941147, and Easement Vacation No. 1036047, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake Assistant Deputy Director Development Services Department

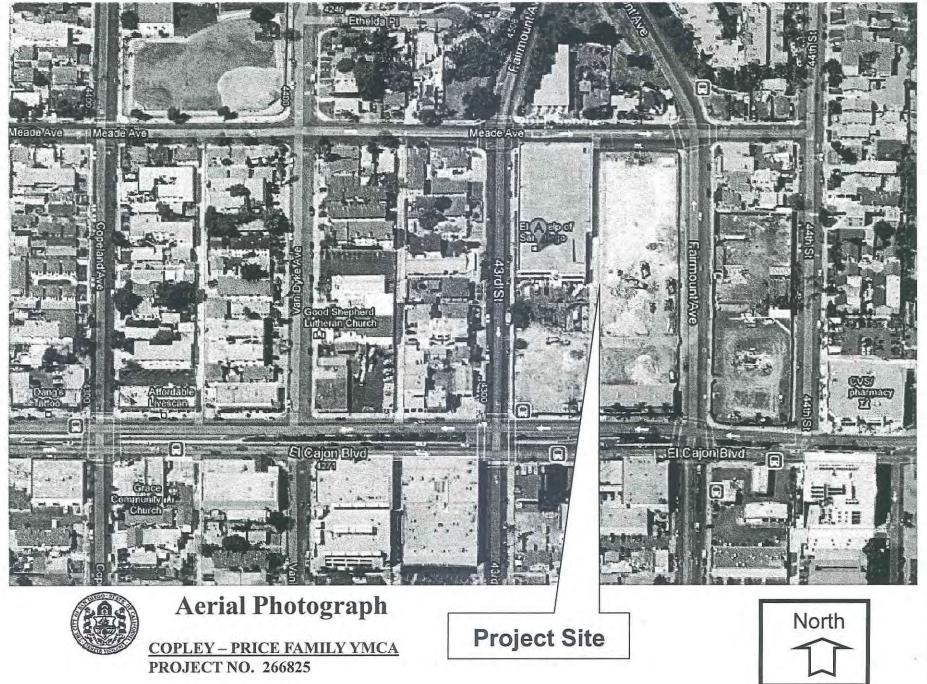
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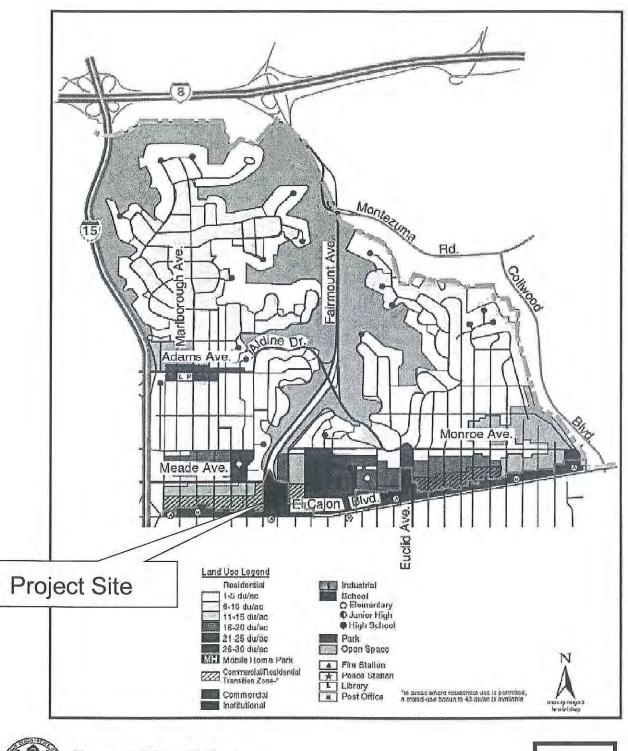
Attachments:

Laura C. Black, AICP, Project Manager Development Services Department

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft CUP/PDP Permit and Resolution
- 6. Draft Easement Vacation Resolution and B Sheet
- 7. Environmental Exemption
- 8. Project Site Plans
- 9. Community Planning Group Recommendation
- 10. Ownership Disclosure Statement
- 11. Project Chronology









Land Use Map <u>COPLEY – PRICE FAMILY YMCA</u> PROJECT NO. 266825

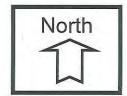








Project Location Map <u>COPLEY – PRICE FAMILY YMCA</u> PROJECT NO. 266825



Attachment 3

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# **PROJECT DATA SHEET**

PROJECT NAME:	Copley – Price Family YMCA	
PROJECT DESCRIPTION:	Demolition of the existing above grade parking structure and the construction of a new two-story recreational facility, with an enclosed pool, roof deck/balcony and a new above grade 296-space parking garage.	
COMMUNITY PLAN AREA:	Kensington-Talmadge Neighborhood of the Mid City Communities	
DISCRETIONARY ACTIONS:	Conditional Use Permit, Planned Development Permit and Easement Vacations	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial and Mixed Use (73 du/ac)	

# **ZONING INFORMATION:**

**ZONE:** CUPD-CU-2-4: (Commercial zone of the Central Urbanized Planned District that allows a mix of heavy commercial, limited industrial & residential uses) **HEIGHT LIMIT:** no maximum

LOT SIZE: 2,500 sq. ft. min lot size

FLOOR AREA RATIO: 2.0 maximum

FRONT SETBACK: no minimum - 10 feet maximum

SIDE SETBACK: 0 or 10 feet minimum

**STREETSIDE SETBACK:** no minimum – 10 feet maximum

**REAR SETBACK:** 0 or 10 feet minimum

PARKING: 259 parking spaces required / 296 parking spaces provided

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial & Mixed- Use (73 du/ac); CUPD- CU-2-4	Multi-family residential and commercial
SOUTH:	Commercial & Mixed- Use (73 du/ac); CUPD- CU-2-4	Commercial
EAST:	Commercial & Mixed- Use (73 du/ac); CUPD- CU-2-4	Vacant and Multi-family residential
WEST:	Commercial/Residential Transition & Residential (11-15 du/ac); CUPD- CT-2-4 & CU-2-4	Multi-family residential and commercial
DEVIATIONS	- Deviation from the maxi	mum allowable street side setba

REQUESTED:	<ul> <li>of 10 feet in SDMC 151.0242</li> <li>Deviation from the locational requirements for refuse and recyclable materials enclosures in SDMC 142.0810</li> <li>Deviation from the transparency requirement in SDMC 131.0552</li> <li>Deviation from the offsetting planes requirements in SDMC 131.0554</li> </ul>
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Kensington-Talmadge Community Planning Group voted 12-0-0 to approve the project with two conditions at their meeting on September 12, 2012.



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

WHEN RECORDED MAIL TO CITY CLERK MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002404

# CONDITIONAL USE PERMIT NO. 941146 PLANNED DEVELOPMENT PERMIT NO. 941147 COPLEY – PRICE FAMILY YMCA, PROJECT NO. 266825 City Council

This Conditional Use Permit No. 941146 and Planned Development Permit No. 941147 is granted by the City Council of the City of San Diego to Sherry S. Bahrambeygui, Fairmount and El Cajon Realty LLC, Owner, and Baron Herdelin-Doherty, YMCA of San Diego County, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0305 and 126.0604. The 3.71-acre site is located at 4393 43<sup>rd</sup> Street and 4300 El Cajon Boulevard within the CUPD-CU-2-4 zone of the Central Urbanized Planned District, the Transit Area Overlay Zone, and the Kensington-Talmadge neighborhood of the Mid-City Communities Plan Area. The project site is legally described as: Parcel 1 of Parcel Map No. 16243 in the City of San Diego, filed in the office of the recorder of San Diego, April 13, 1989, as Instrument No. 89-193284 of official records; Lots 19 through 24 in Block 1 of Wilshire Place in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 1382, filed in the office of the county recorder of said San Diego County, October 6, 1911, together with the unnamed alley as closed and vacated to public use by instrument recorded July 19, 1990, as File No. 90-391357 adjoining said lots on the east.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing parking garage and construct a new two-story recreation facility, with an enclosed pool, roof deck/balcony and above grade parking structure described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_\_, on file in the Development Services Department.

The project shall include:

a. Demolish the existing above grade parking structure;



- b. Construct a two-story, 53,400 square foot Recreation Facility, a 7,300 square foot enclosed pool, 7,200 square foot of roof deck and balcony space and a 296-space above grade parking structure;
- c. A deviation for the street side setback requirement of a 10 foot maximum. The street side setback requirement is exceeded near the corner of 43<sup>rd</sup> Street and El Cajon Boulevard; northwest corner of Fairmount Avenue and El Cajon Boulevard; and in the area of the pull-through driveway located on 43<sup>rd</sup> Street.
- d. A deviation for the location of the refuse storage 25 feet from the street or sidewalk.
- e. A deviation for transparency requirement along the east, south and west elevations of the proposed recreation facility building.
- f. A deviation from the offsetting plane requirements at the parking structure.
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking;
- i. Construction of an outdoor pool, including a splash pad; picnic area; play yard; soccer arena; warm-up area; and
- j. Incorporation of sustainable building techniques sufficient to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification; and
- k. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by \_\_\_\_\_\_, 2015.

2. 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.



3. 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.

4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

5. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

6. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

# **ENGINEERING REQUIREMENTS:**

9. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

10. This project proposes to export 336 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows



a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

11. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

12. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

13. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

14. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

15. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

16. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100 and satisfactory to the city engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond replacement of all damaged sidewalk, maintaining the existing sidewalk scoring pattern adjacent to the site on, satisfactory to the City Engineer.

# **GEOLOGY REQUIREMENTS:**

18. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

19. The Owner/Permittee shall submit an 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 the Development Services Department prior to exoneration of the bond and grading permit close-out.

#### LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

21. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees pursuant to San Diego Municipal Code section 14.

22. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. Severe pruning or "topping" of trees is not permitted.

24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

#### PLANNING/DESIGN REQUIREMENTS:

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



26. Prior to the issuance of building permits, Owner/Permittee shall provide documentation that the project has been submitted to the U.S. Green Building Council for review of the project to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification.

27. Outdoor lighting for the soccer arena and outdoor pool shall be turned off and shall not be used between the hours of 10:00 PM and 5:00 AM.

28. The project shall comply with the refuse and recyclable materials storage area requirements in SDMC Chapter 14, Article 2, Division 8 except where a deviation has been approved as part of this permit.

29. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

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

# **TRANSPORTATION REQUIREMENTS:**

31. A minimum of 259 automobile spaces (including 6 standard accessible spaces and 1 van accessible space), 5 motorcycle spaces, and 5 bicycle spaces with rack(s) shall be provided as required by the City's Land Development Code. The project is providing 296 automobile spaces (including 6 standard accessible spaces and 1 van accessible space), 5 motorcycle spaces, and 20 bicycle spaces with rack(s) per the project's Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

# **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

32. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

33. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

34. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

35. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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

# **INFORMATION ONLY:**

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

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_\_and Resolution No. \_\_\_\_\_\_



Conditional Use Permit No. 941146 Planned Development Permit No. 941147 Date of Approval:

# AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Laura C. Black, AICP Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

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.

Fairmount and El Cajon Realty LLC. Owner

By

Sherry S. Bahrambeygui Managing Member

YMCA of San Diego County Permittee

By

Baron Herdelin-Doherty President and CEO

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.



WHEREAS, Sherry S. Bahrambevgui, Fairmount and El Cajon Realty LLC, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit and Planned Development Permit to demolish the existing parking garage and construct a new two-story, 53,400 square foot Recreation Facility, a 7,300 square foot enclosed pool, 7,200 square foot of roof deck and balcony space and a 296-space above grade parking structure, known as the Copley – Price Family YMCA project, located at 4393 43<sup>rd</sup> Street and 4300 El Cajon Boulevard and legally described as Parcel 1 of Parcel Map No. 16243 in the City of San Diego, filed in the office of the recorder of San Diego, April 13, 1989, as Instrument No. 89-193284 of official records; Lots 19 through 24 in Block 1 of Wilshire Place in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 1382, filed in the office of the county recorder of said San Diego County, October 6, 1911, together with the unnamed alley as closed and vacated to public use by instrument recorded July 19, 1990, as File No. 90-391357 adjoining said lots on the east, within the CUPD-CU-2-4 zone of the Central Urbanized Planned District, the City Heights Redevelopment Project Area, the Transit Area Overlay Zone, and the Kensington-Talmadge neighborhood of the Mid-City Communities Plan Area. Community Plan area; and

WHEREAS, on October 15, 2012, the Planning Commission of the City of San Diego considered Conditional Use Permit (CUP) No. 941146 and Planned Development Permit (PDP) No. 941147., and pursuant to Resolution No. \_\_\_\_\_-PC voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution 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; and

WHEREAS, the matter was set for public hearing on

\_, testimony having been heard, evidence having been

submitted, and the City Council having fully considered the matter and being fully

advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the

following findings with respect to Conditional Use Permit No. 941146 and Planned

Development Permit No.941147:

## CONDITIONAL USE PERMIT - Section 126.0305

# 1. The proposed development will not adversely affect the applicable land use plan;

The project proposes a recreational facility that would provide general membership to the local community and offer two pools, exercise and workout rooms, a computer lab, picnic area, outdoor play yard, and an outdoor soccer arena. The proposed development is compatible with the surrounding uses, providing needed services and opportunities for education and recreation. The project site is located within the Kensington-Talmadge neighborhood of the Mid Cities Community Plan with the site designated for Commercial use. The adopted Mid Cities Community Plan states the Commercial designation is to provide a full range of commercial goods and services to the Mid-City population. The proposed project of a recreation facility is consistent with the current land use designation and will not adversely affect the Mid Cities Community Plan.

# 2. The proposed development will not be detrimental to the public health, safety, and welfare;

The proposed development is a recreational facility that would provide general membership to the local community and offer two pools, exercise and workout rooms, a computer lab, picnic area, outdoor play yard, and an outdoor soccer arena.



The proposed development is compatible with the surrounding uses, providing needed services and opportunities for education and recreation. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code requirements will be met with the proposed development. Therefore, the proposed project does will not be detrimental to the public health, safety and welfare.

## 3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and

The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Conditional Use Permit No. 941146 and Planned Development Permit No. 941147. The project proposes a total of four (4) deviations from the Land Development Code. These deviations provide for a more desirable project for the surrounding neighborhood and the proposed uses for the project site.

A deviation is for the 10 foot maximum street side setback requirement. The setback is required to be a maximum of 10 feet to bring the buildings towards the streets for a pedestrian compatible design within the commercial corridor. The street side setback requirement is exceeded near the corner of 43<sup>rd</sup> Street and El Cajon Boulevard; northwest corner of Fairmount Avenue and El Cajon Boulevard; and in the area of the one-way driveway located on 43<sup>rd</sup> Street. This deviation is necessary to provide larger urban places for pedestrian use along the project site. This larger setback allows for widened sidewalks that provide gathering places with shade trees and seating for the public. The area of the one-way driveway is necessary to allow for the onsite drop-off zone for users of the recreation facility.

A deviation is for the proposed location of the refuse storage area. The refuse storage area is required to be 25 feet from the street or sidewalk. This deviation is requested to allow for site functionality. The proposed placement of the refuse storage area is approximately 6 feet from the property line, which is the back of the sidewalk. The placement of the refuse storage area allows for refuse collection to occur onsite, in a safe manner, while not impeding traffic caused by backing of refuse trucks onto the surrounding public streets. The refuse enclosure gates are not facing the public right-of-way and proposed planting will partially screen the refuse storage area. The proposed refuse storage area is secured within the project fence surrounding the property.

A deviation is due to the location of the locker/shower rooms and indoor pool along the east elevation and the location of the gym along the south and west elevations. This deviation is necessary for privacy in the shower rooms and to provide a screen from pedestrians for areas where children will be participating in indoor pool activities and activities in the gymnasium. Pursuant to SDMC Section 131.0552, a minimum of 50 percent of street wall area between 3 and 10 feet above the sidewalk



shall be transparent with clear glass visible into a commercial or residential use. The project site provides abundant transparency along the street facing elevations at the fitness area, group exercise areas, office areas, the teen center, and lobby areas. The proposed main entrance for the recreation facility is on El Cajon Boulevard which will provide greater access to the site for the general public using the onsite facilities. Increased public amenities of the 'plaza-like' space, with seating and shade trees, are provided to encourage public orientation/interaction and to offset the lack of transparency along the east, south and west elevations of the recreation facility building.

A deviation is for the new parking structure offsetting plane requirements. The proposed parking structure does not meet the offsetting plan requirements on the 43<sup>rd</sup> Street and Meade Avenue elevations. This deviation is necessary for space efficient design of the proposed parking structure. The proposed parking structure is far less massive than the existing parking structure. The additional ground space that the proposed parking structure provides allows for more park-like space to be used for sports and outdoor play. The proposed parking structure will have a more open plan, providing better visibility inside, which will be safer for those using the structure. The proposed parking structure is set further back from the property lines which allows for additional landscaping along the property lines to provide a more 'plaza-like' space in the area of the proposed parking structure.

As a result, the proposed project conforms with the overall policies and regulations of the City of San Diego and represents a desirable project for the site and the Kensington-Talmadge neighborhood of the Mid-Cities Community.

### 4. The proposed use is appropriate at the proposed location.

The project proposes a recreational facility that would provide general membership to the local community and offer two pools, exercise and workout rooms, a computer lab, picnic area, outdoor play yard, and an outdoor soccer arena. The proposed development is compatible with the surrounding uses, providing needed services and opportunities for education and recreation. The use is well suited to take advantage of the existing public transportation system within the neighborhood. The project site is located in the CUPD-CU-2-4 Zone of the Central Urbanized Planned District which is a commercial urbanized zone that allows for different types of mixed uses at varying densities. The CUPD-CU-2-4 zone allows for a mix of heavy commercial and limited industrial uses with residential uses, specifically CU-2-4 is intended to accommodate development with pedestrian orientation and high density residential use. The proposed development is considered a privately operated, outdoor recreation facility over 40,000 square feet in size and is allowed within the zone with the Conditional Use Permit (CUP). The Mid-Cities Community Plan identifies El Cajon Boulevard as a commercial corridor with a variety of commercial uses comprised within the commercial corridor. South of the project site, across El Cajon Boulevard is a variety of commercial uses, including a U-Haul at the southeast corner of El Cajon Boulevard and 43rd Street. East of the project site, across Fairmount

Avenue are a CVS Store (at the northeast corner of El Cajon Boulevard and Fairmount Avenue), a vacant lot and then a mixture of single family and multi-family residences. North of the project site, across Meade Avenue, is a law office (at the northwest corner of Fairmount Avenue and Meade Avenue), and a mixture of single family and multi-family residences. Given the variety of uses surrounding the project site, the proposed project is appropriate at the proposed location.

### PLANNED DEVELOPMENT PERMIT - Section 126.0604

# 1. The proposed development will not adversely affect the applicable land use plan;

The project proposes a recreational facility that would provide general membership to the local community and offer two pools, exercise and workout rooms, a computer lab, picnic area, outdoor play yard, and an outdoor soccer arena. The proposed development is compatible with the surrounding uses, providing needed services and opportunities for education and recreation. The project site is located within the Kensington-Talmadge neighborhood of the Mid Cities Community Plan with the site designated for Commercial use. The adopted Mid Cities Community Plan states the Commercial designation is to provide a full range of commercial goods and services to the Mid-City population. The proposed project of a recreation facility is consistent with the current land use designation and will not adversely affect the Mid Cities Community Plan.

# 2. The proposed development will not be detrimental to the public health, safety, and welfare;

The proposed development is a recreational facility that would provide general membership to the local community and offer two pools, exercise and workout rooms, a computer lab, picnic area, outdoor play yard, and an outdoor soccer arena. The proposed development is compatible with the surrounding uses, providing needed services and opportunities for education and recreation. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code requirements will be met with the proposed development. Therefore, the proposed project does will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The proposed project complies with the relevant regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and



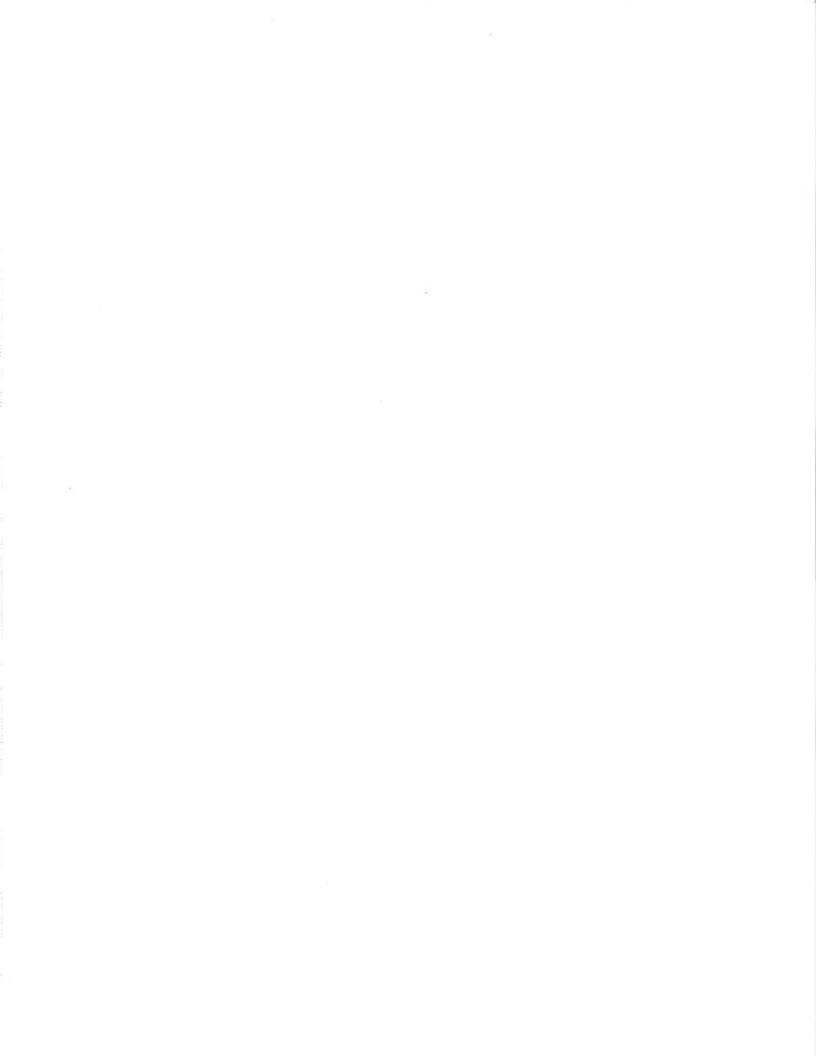
incorporated into Planned Development Permit No. 941147. The project proposes a total of four (4) deviations from the Land Development Code. These deviations provide for a more desirable project for the surrounding neighborhood and the proposed uses for the project site.

A deviation is for the 10 foot maximum street side setback requirement. The setback is required to be a maximum of 10 feet to bring the buildings towards the streets for a pedestrian compatible design within the commercial corridor. The street side setback requirement is exceeded near the corner of 43<sup>rd</sup> Street and El Cajon Boulevard; northwest corner of Fairmount Avenue and El Cajon Boulevard; and in the area of the one-way driveway located on 43<sup>rd</sup> Street. This deviation is necessary to provide larger urban places for pedestrian use along the project site. This larger setback allows for widened sidewalks that provide gathering places with shade trees and seating for the public. The area of the one-way driveway is necessary to allow for the onsite drop-off zone for users of the recreation facility.

A deviation is for the proposed location of the refuse storage area. The refuse storage area is required to be 25 feet from the street or sidewalk. This deviation is requested to allow for site functionality. The proposed placement of the refuse storage area is approximately 6 feet from the property line, which is the back of the sidewalk. The placement of the refuse storage area allows for refuse collection to occur onsite, in a safe manner, while not impeding traffic caused by backing of refuse trucks onto the surrounding public streets. The refuse enclosure gates are not facing the public right-of-way and proposed planting will partially screen the refuse storage area. The proposed refuse storage area is secured within the project fence surrounding the property.

A deviation is due to the location of the locker/shower rooms and indoor pool along the east elevation and the location of the gym along the south and west elevations. This deviation is necessary for privacy in the shower rooms and to provide a screen from pedestrians for areas where children will be participating in indoor pool activities and activities in the gymnasium. Pursuant to SDMC Section 131.0552, a minimum of 50 percent of street wall area between 3 and 10 feet above the sidewalk shall be transparent with clear glass visible into a commercial or residential use. The project site provides abundant transparency along the street facing elevations at the fitness area, group exercise areas, office areas, the teen center, and lobby areas. The proposed main entrance for the recreation facility is on El Cajon Boulevard which will provide greater access to the site for the general public using the onsite facilities. Increased public amenities of the 'plaza-like' space, with seating and shade trees, are provided to encourage public orientation/interaction and to offset the lack of transparency along the east, south and west elevations of the recreation facility building.

A deviation is for the new parking structure offsetting plane requirements. The proposed parking structure does not meet the offsetting plan requirements on the 43<sup>rd</sup> Street and Meade Avenue elevations. This deviation is necessary for space efficient



design of the proposed parking structure. The proposed parking structure is far less massive than the existing parking structure. The additional ground space that the proposed parking structure provides allows for more park-like space to be used for sports and outdoor play. The proposed parking structure will have a more open plan, providing better visibility inside, which will be safer for those using the structure. The proposed parking structure is set further back from the property lines which allows for additional landscaping along the property lines to provide a more 'plazalike' space in the area of the proposed parking structure.

As a result, the proposed project conforms with the overall policies and regulations of the City of San Diego and represents a desirable project for the site and the Kensington-Talmadge neighborhood of the Mid-Cities Community.

The above findings are supported by the minutes, maps and exhibits, all of which

are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 941146 and

Planned Development Permit No. 941147 is granted to Sherry S. Bahrambeygui,

Fairmount and El Cajon Realty LLC, Owner/Permittee, under the terms and conditions

set forth in the attached permit which is made a part of this resolution.



Attachment 6 (R-[Reso Code])

#### RESOLUTION NUMBER R-

DATE OF FINAL PASSAGE

A RESOLUTION FOR THE COUNCIL OF THE CITY OF SAN DIEGO FOR THE VACATION OF UTLITITY EASEMENTS, STORM DRAIN EASEMENT AND SEWER AND WATER EASEMENTS LOCATED THROUGH THE PROPERTY LOCATED AT 4300 EL CAJON BOULEVARD.

WHEREAS, California Streets and Highways Code section 8320 *et seq*. San Diego Municipal Code section 125.1001 *et seq*. provide a procedure for the vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that a utility easement for either or both pole lines, conduits with right of ingress and egress and incidental purposes, recorded March 3, 1925 in book 1049, page 446 of deeds – in favor of: San Diego Consolidated Gas & Electric Company; a utility easement for poles, wires and anchorage for the transmission and distribution of electricity and incidental purposes, recorded May 18, 1939 in book 904, page 205 of official records – in favor of: San Diego Gas & Electric Company; an easement for storm drain and incidental purposes, recorded March 19, 1954 in book 5177, page 174 of official records – in favor of: City of San Diego; a utility easement for underground facilities and appurtenances for the transmission and distribution of electricity, communication facilities, and appurtenances, also the right of ingress and egress and incidental purposes, recorded July 20, 1989 as Instrument No. 89-382887 of official records – in favor of: San Diego Gas & Electric Company; an easement for super the sever and water facilities and incidental purposes, recorded July 17, 1990 as Instrument No. 1990-0386657 of official records – in favor of: City of San Diego; and the rights, if any, of a city, public utility or special district to preserve a public easement in alley as the same was quit claimed by



document recorded July 1990 as Instrument No. 1990-0391357 of official records, Easement Vacation No. 1036047 be vacated; and

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

WHEREAS, the matter was set for public hearing on \_\_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, which with respect to the proposed easement vacation within the property located at 4300 El Cajon Boulevard, the Council finds that:

(a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

The utility easement to be vacated has no present or prospective public use as there are utilities provided within the adjacent public right-of-way. The easement to be vacated was previously used to provide sewer and water line connection for Meade Avenue, to a main sewer line located within El Cajon Boulevard. Recent sewer and water line upgrades have reversed the direction of flow, rendering the sewer and water lines within the easement unusable. There are existing water and sewer lines within the adjacent public right-of-way that will serve the proposed project



site. The storm drain easement from 43<sup>rd</sup> Street is no longer needed as the 12-inch storm drain will be privately maintained. No future utility, sewer, water or storm drain lines are anticipated in the area and no public use is served by these easements.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation.

The proposed vacation of easements will benefit the public by allowing redevelopment of the project site, which will bring public uses of open space, privately maintained park areas, soccer arena, and community gathering spaces.

(c) The vacation is consistent with any applicable land use plan.

The proposed vacation of easements will allow for the redevelopment of the project site into a new YMCA facility that will provide a new fitness center, day care, teen center and outdoor sports areas. The proposed uses within the project site are consistent with the Mid City Communities Plan.

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The sewer and water uses on the project site are no longer in use since the site is mostly vacant with only a concrete parking structure as the only improvement on the site. There are existing sewer and water lines within the adjacent public right-of-way that will serve the project site. The utility easement has no present or prospective public use as there are utilities provided within the adjacent public right-of-way. The storm drain will be privately maintained and used for the

### -PAGE 3 OF 4-



proposed project once redevelopment of the site is completed. The purposes of these easements no longer exist.

BE IT FURTHER RESOLVED, that the utility, storm drain, sewer and water easement located within 4300 El Cajon Boulevard, in connection with Conditional Use Permit No. 941146 and Planned Development Permit No. 941147, as more particularly described in the legal description marked as Exhibit "A," which are by this reference incorporated herein and made a part hereof, are ordered vacated.

BE IT FURTHER RESOLVED that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

[Attorney] Deputy City Attorney

[Initials]:[Initials] [Month]/[Day]/[Year] Or.Dept:[Dept] JO: [INSERT JO Number] Drawing No. [INSERT Drawing No.] R-R-[Reso Code]

### -PAGE 4 OF 4-



#### "EXHIBIT A" LEGAL DESCRIPTION VACATION OF SEWER AND WATER EASEMENT

ALL THAT 5 FOOT WIDE SEWER AND WATER EASEMENT RECORDED JULY 17, 1990 AS INSTRUMENT NO. 1990-0386657, OF OFFICIAL RECORDS WITHIN PARCEL 1 OF PARCEL MAP NO. 16243, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 13, 1989, AS INSTRUMENT NO. 89-193284, OF OFFICIAL RECORDS – VACATED.

SAID EASEMENT CONTAINS 2,286 SQUARE FEET OR 0.053 ACRES, MORE OR LESS.



09-24-2012 DATE:

ALAN J. REAM, PLS 7619 DATE MY LICENSE EXPIRES 12/31/12

P.T.S. No. 266825 I.O. No. 24002404 DWG. No. 37169-B



#### "EXHIBIT A" LEGAL DESCRIPTION VACATION OF DRAINAGE EASEMENT

ALL THAT 4 FOOT WIDE DRAINAGE EASEMENT RECORDED MARCH 19, 1954 IN BOOK 5177, PAGE 174, OF OFFICIAL RECORDS WITHIN PARCEL 1 OF PARCEL MAP NO. 16243, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 13, 1989, AS INSTRUMENT NO. 89-193284, OF OFFICIAL RECORDS – VACATED.

SAID EASEMENT CONTAINS 501 SQUARE FEET OR 0.012 ACRES, MORE OR LESS.



09-24-2012 ALAN J. REAM. PLS'7619 DATE:

MY LICENSE EXPIRES 12/31/12

P.T.S. No. 266825 I.O. No. 24002404 DWG. No. 37169-B



Attachment 6

#### "EXHIBIT A" LEGAL DESCRIPTION VACATION OF GENERAL UTILITY EASEMENT

ALL THAT 15 FOOT WIDE GENERAL UTILITY EASEMENT RECORDED JULY 19, 1990 AS INSTRUMENT NO. 1990-00391357, OF OFFICIAL RECORDS, WITHIN LOTS 19 THROUGH 24, INCLUSIVE, AND UNNAMED ALLEY IN BLOCK 1 OF WILSHIRE PLACE, ACCORDING TO MAP THEREOF NO. 1382, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 6, 1911, AND WITHIN PARCEL 1 OF PARCEL MAP NO. 16243, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 13, 1989, AS INSTRUMENT NO. 89-193284, OF OFFICIAL RECORDS, ALL WITHIN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA – VACATED.

SAID EASEMENT CONTAINS 9,110 SQUARE FEET OR 0.209 ACRES, MORE OR LESS.



09-24-2012

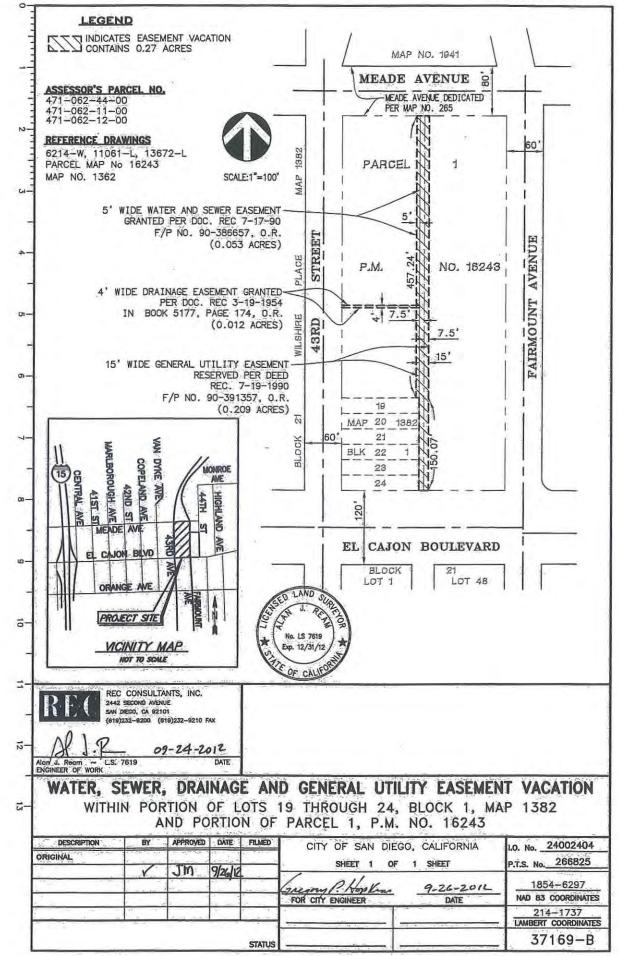
ALAN J. REAM, PLS 7619 DATE: MY LICENSE EXPIRES 12/31/12

P.T.S. No. 266825 I.O. No. 24002404 DWG. No. 37169-B



EXHIBIT "B"

Attachment 6





## Attachment 7

#### NOTICE OF EXEMPTION

TO:

RECORDER/COUNTY CLERK P.O. Box 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422

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

PROJECT NO.: 266825

X

#### PROJECT TITLE: Copley- Price Family YMCA

PROJECT LOCATION-SPECIFIC: 4300 El Cajon Boulevard, San Diego, California 92105 PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) and Planned Development Permit (PDP) and Easement Vacations to allow demolition of an existing parking structure, and construction of 53,400 square-foot recreation facility with roof deck, a 7,300 square-foot enclosed pool, outdoor swimming pools, play yard, soccer arena, and a new 3-level, approximately 68,000 square-foot parking structure on a 3.70 acre site. The project proposes deviations for street side setback, offsetting planes, transparency, and location requirements for refuse and recyclable materials enclosures.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Robert Furey (Agent), 500 Fesler Street, Suite 102, El Cajon, CA 92020, (619) 444-2182

#### EXEMPT STATUS: (CHECK ONE)

- 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 15332-(In-Fill Development Projects)
- ()STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an Initial Study that determined that 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 15332. The project's proposal for a new recreation facility and parking structure would be consistent with the existing land use designation (Commercial and Mixed Use), and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The project would not result in any significant effects related to air quality, noise, traffic or water quality. The site can be adequately serviced by all required utilities and public services. 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

Imark. Michu	www, AICP/Senior
SIGNATURE/TITLE	Planne

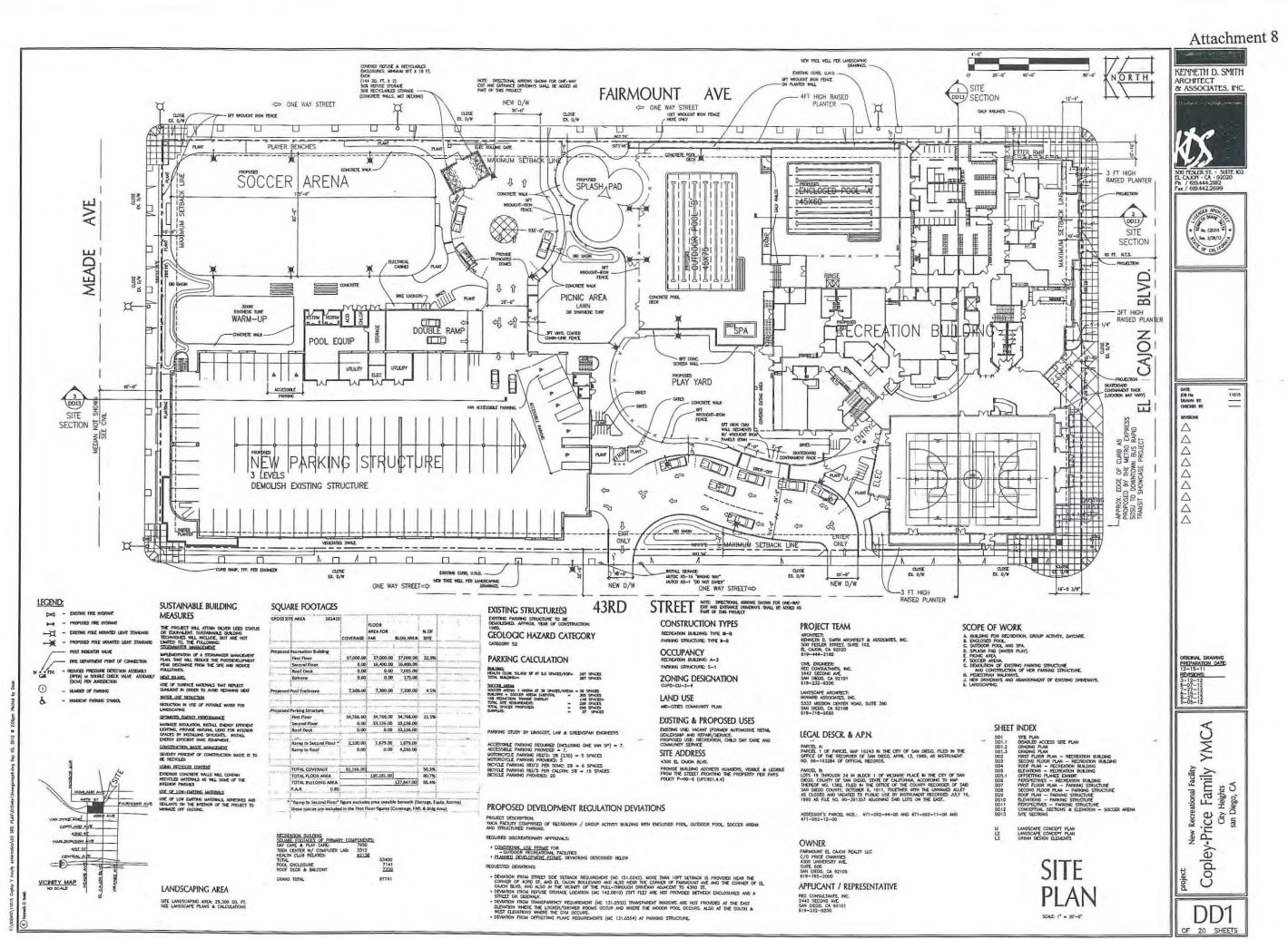
SEPTEMBER 6, 2012 DATE

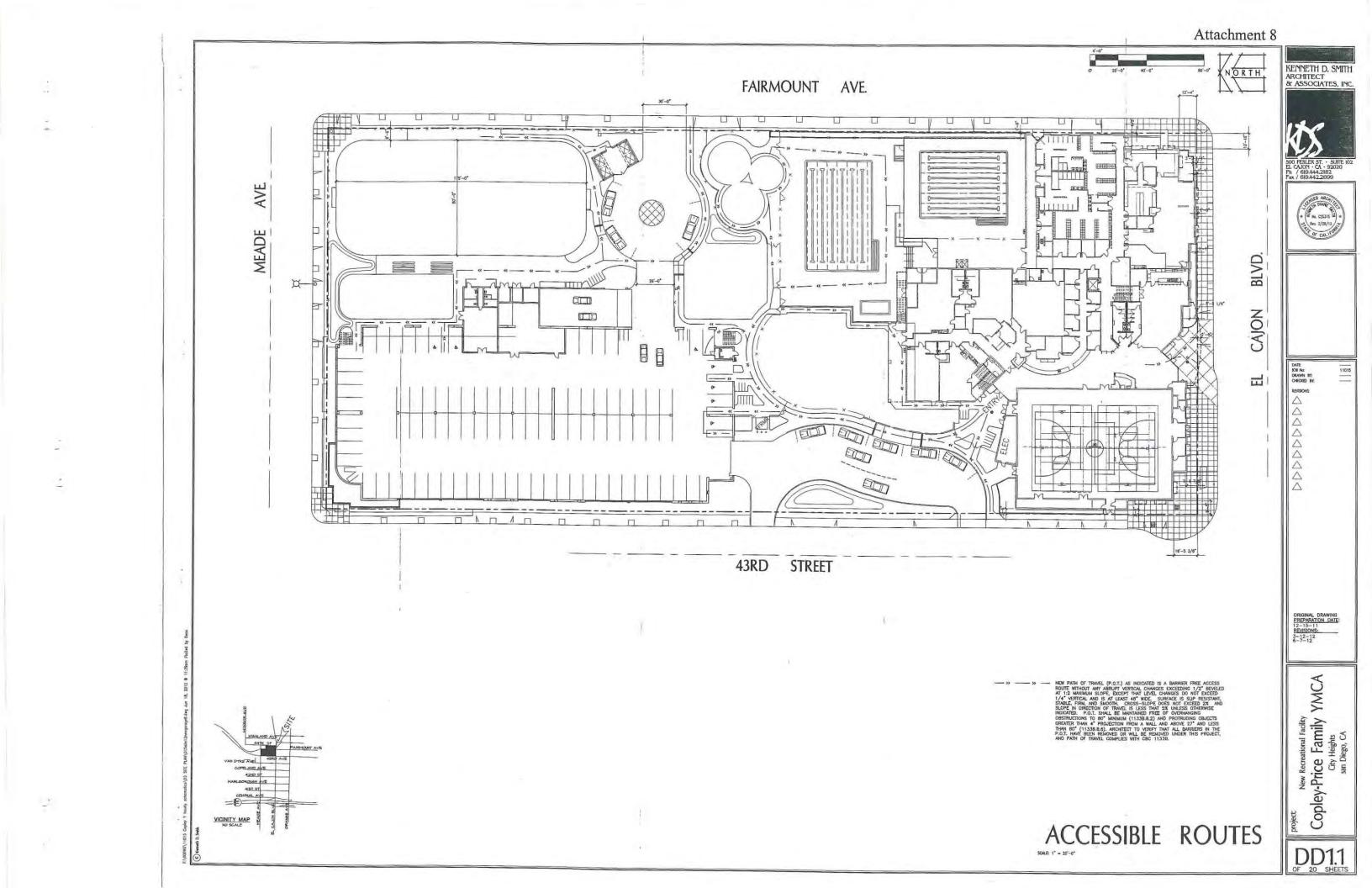
CHECK ONE: (X) SIGNED BY LEAD AGENCY ( ) SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

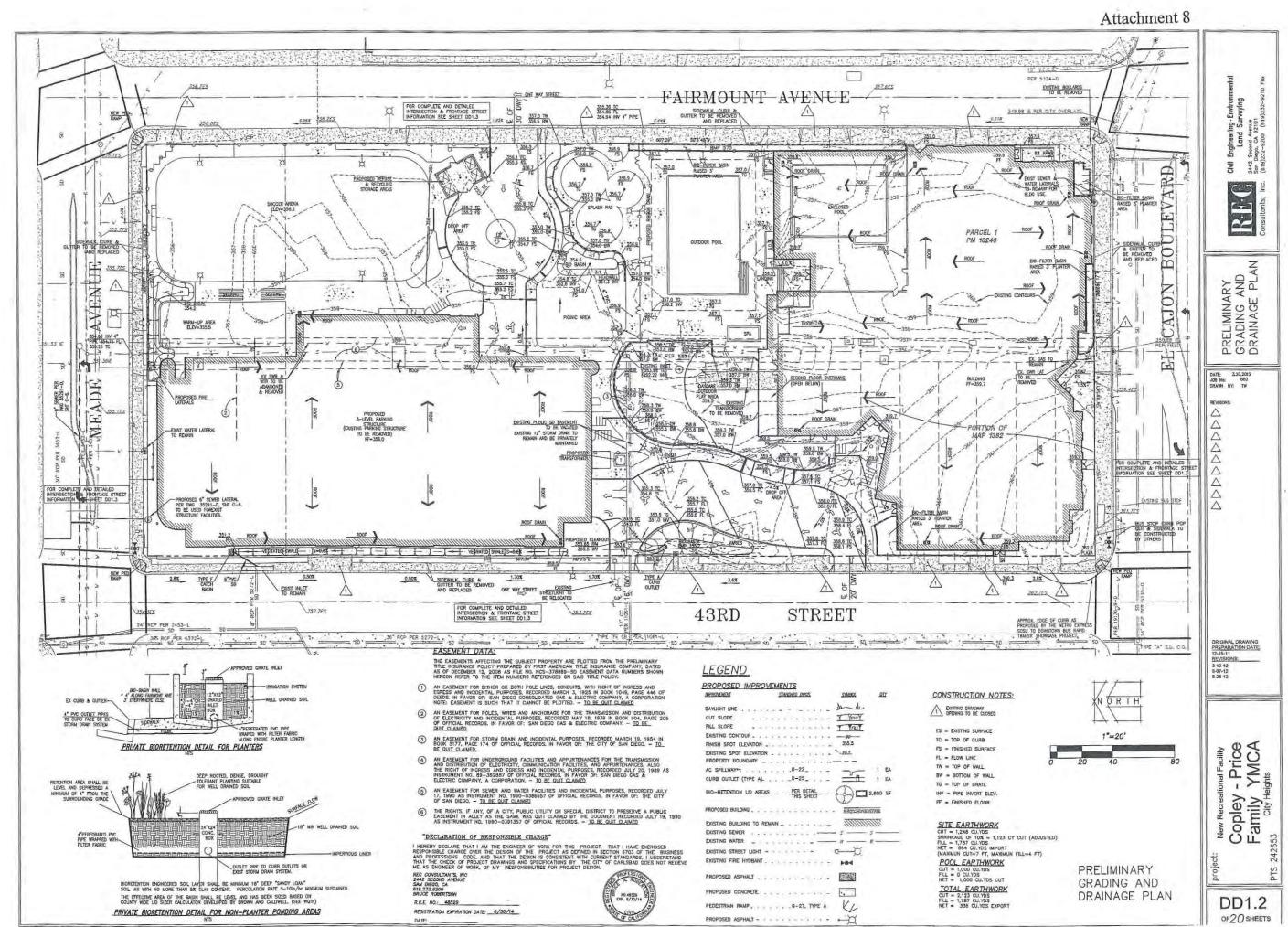
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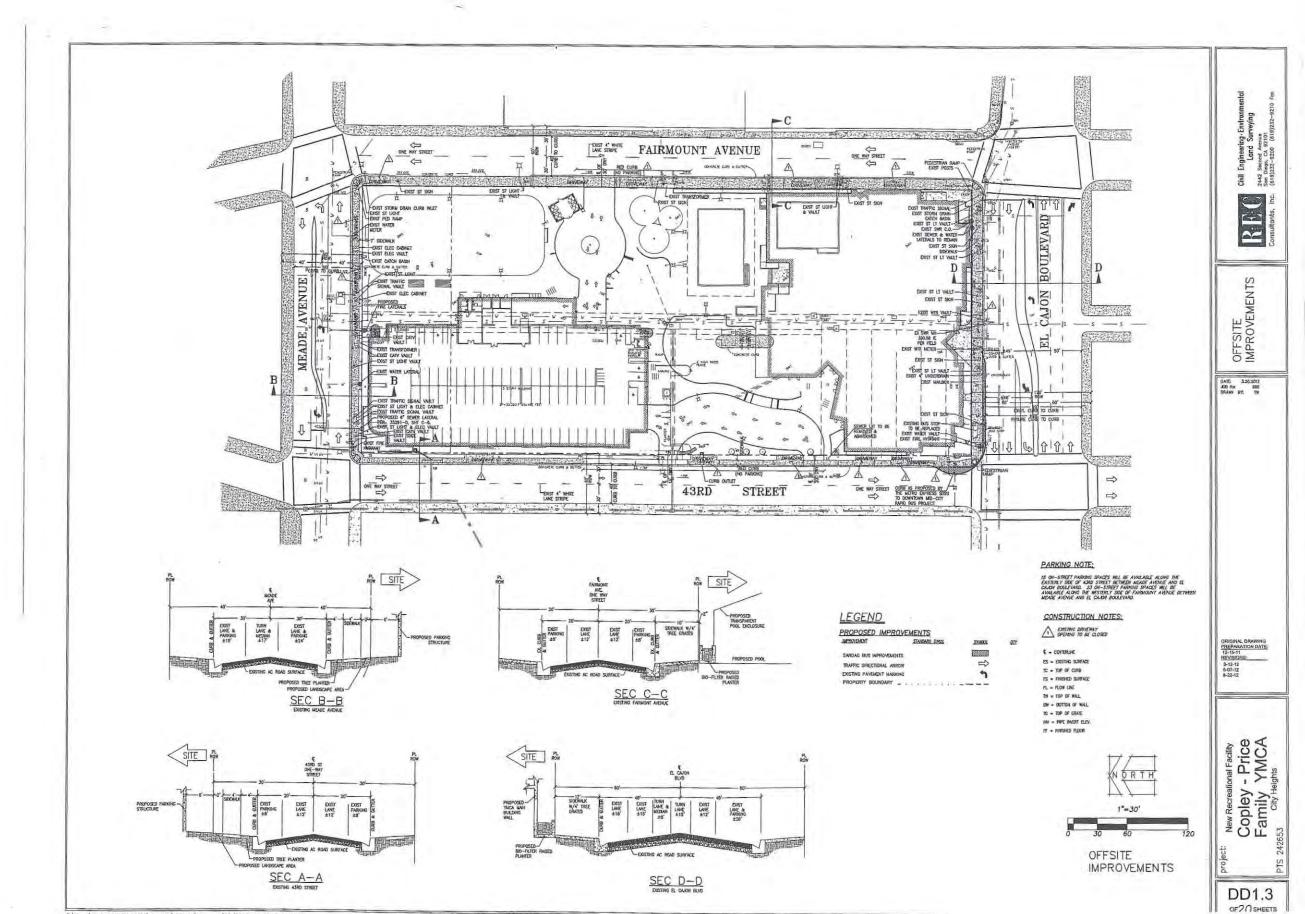




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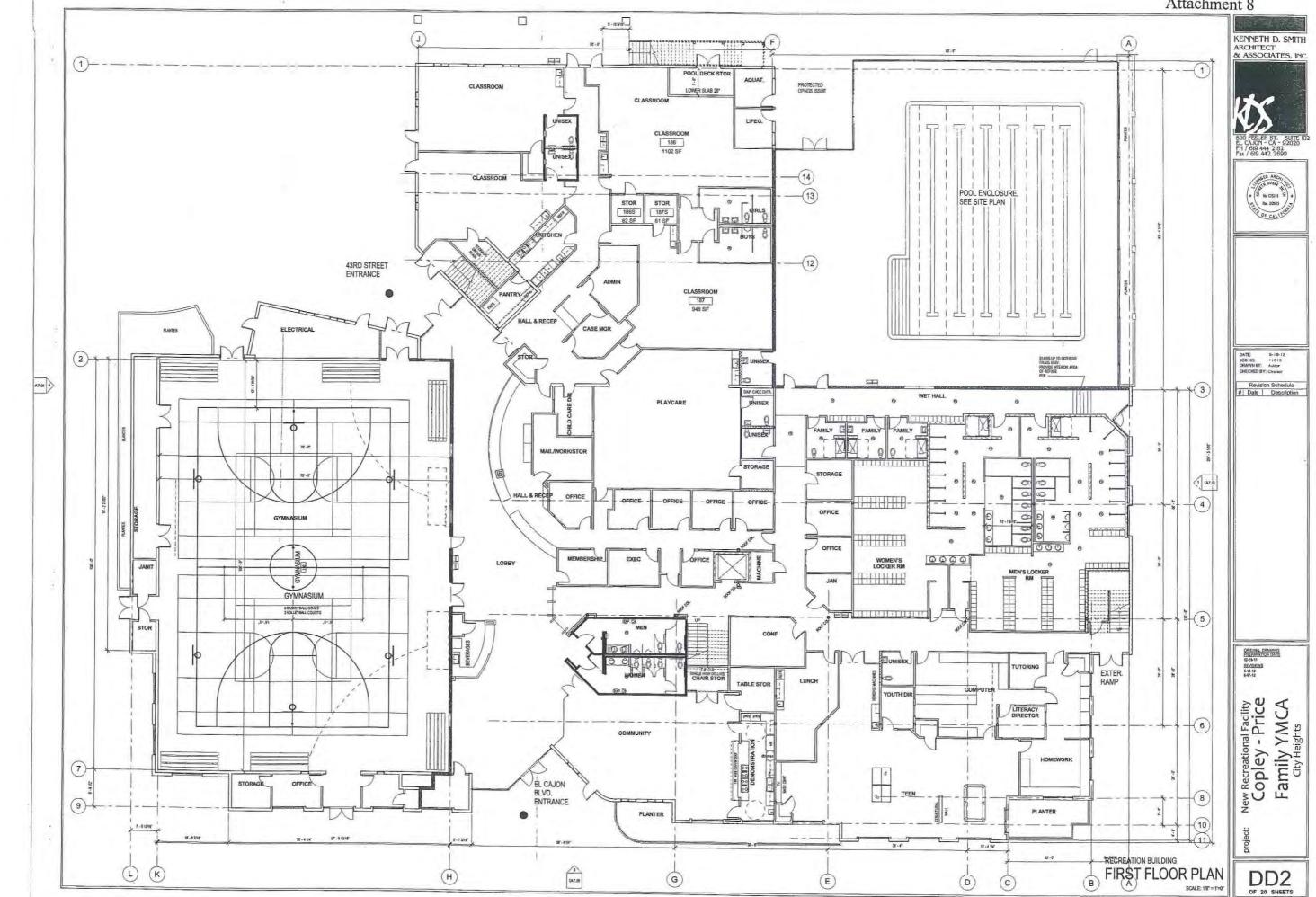


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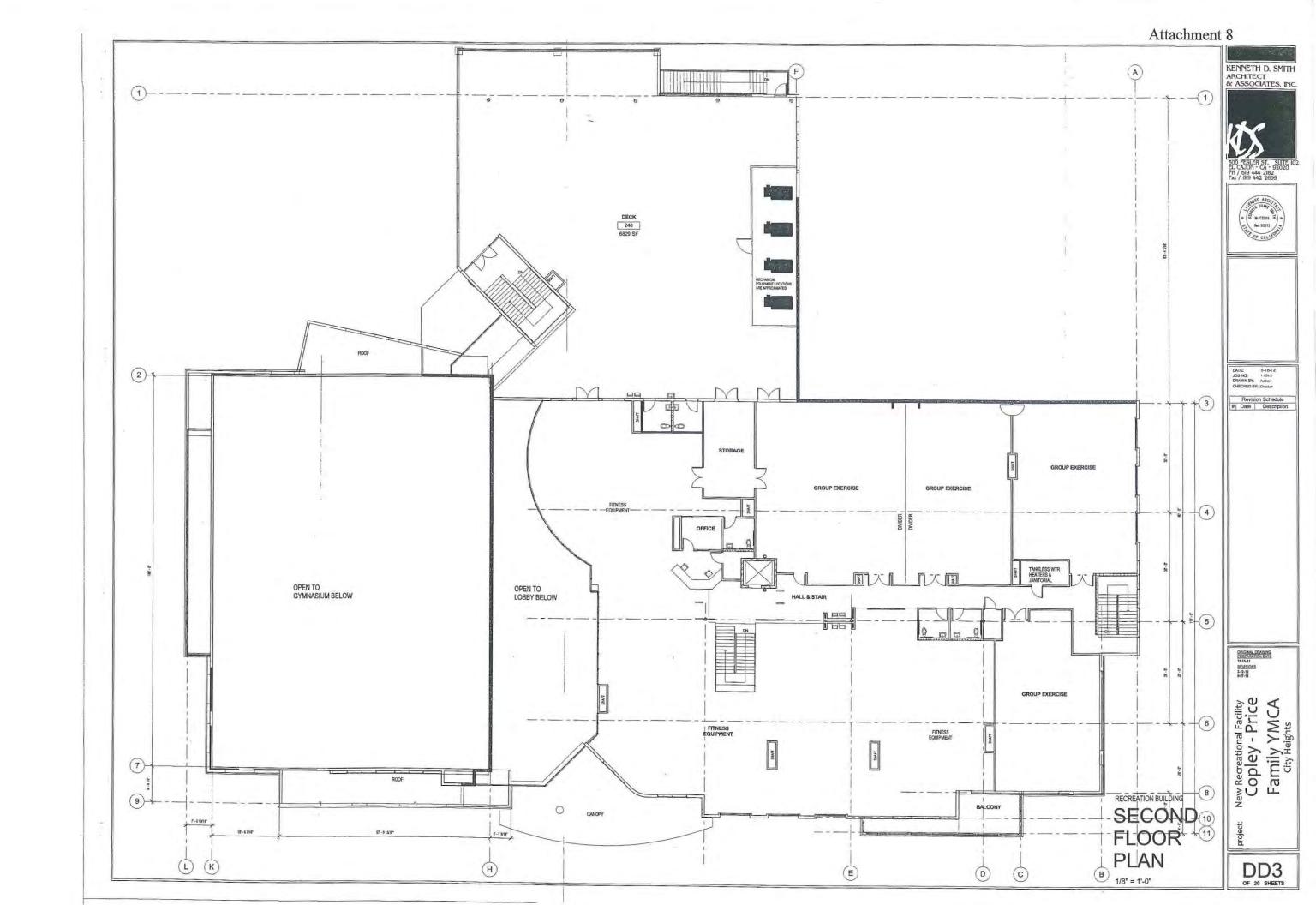
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#### Attachment 8







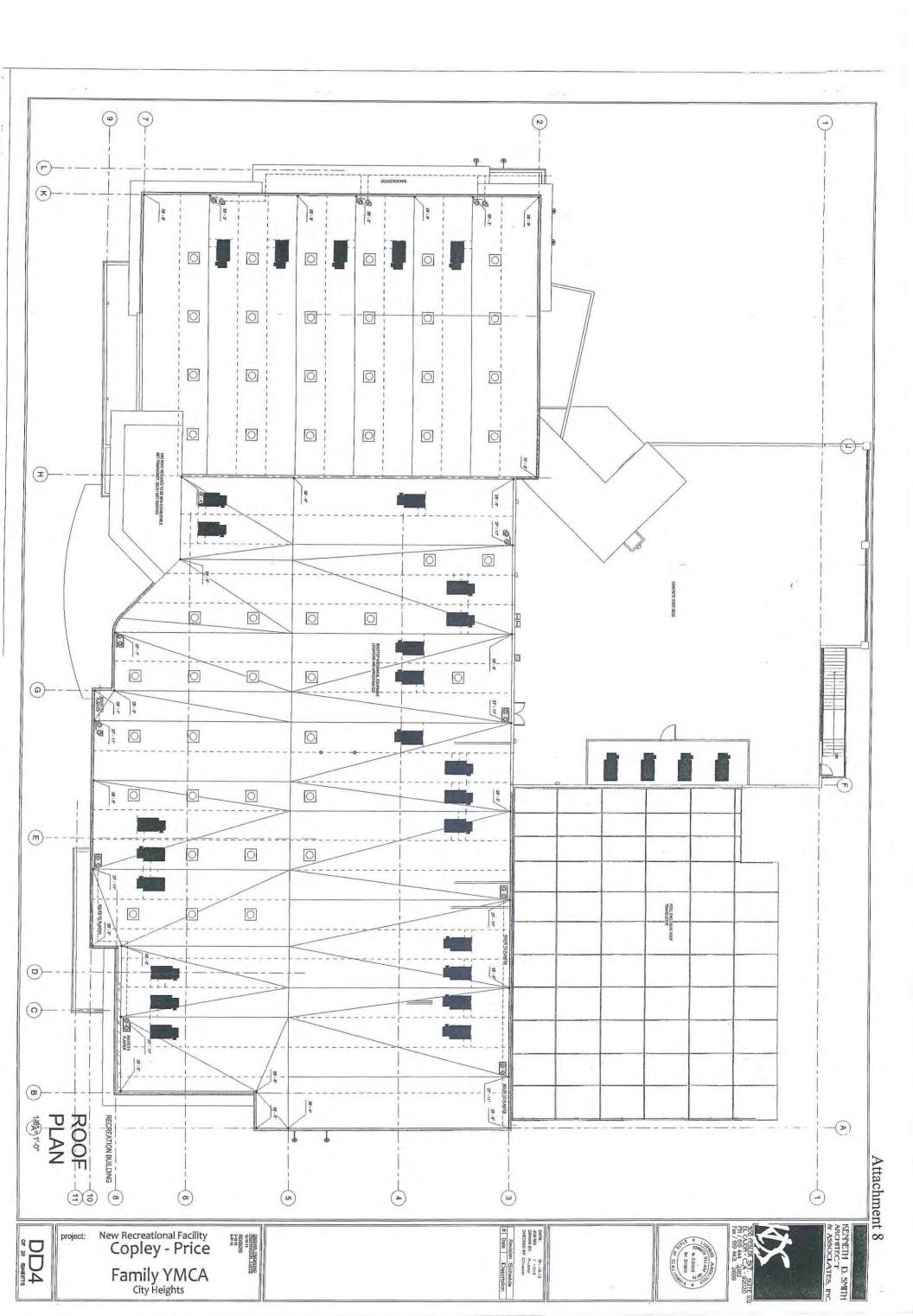


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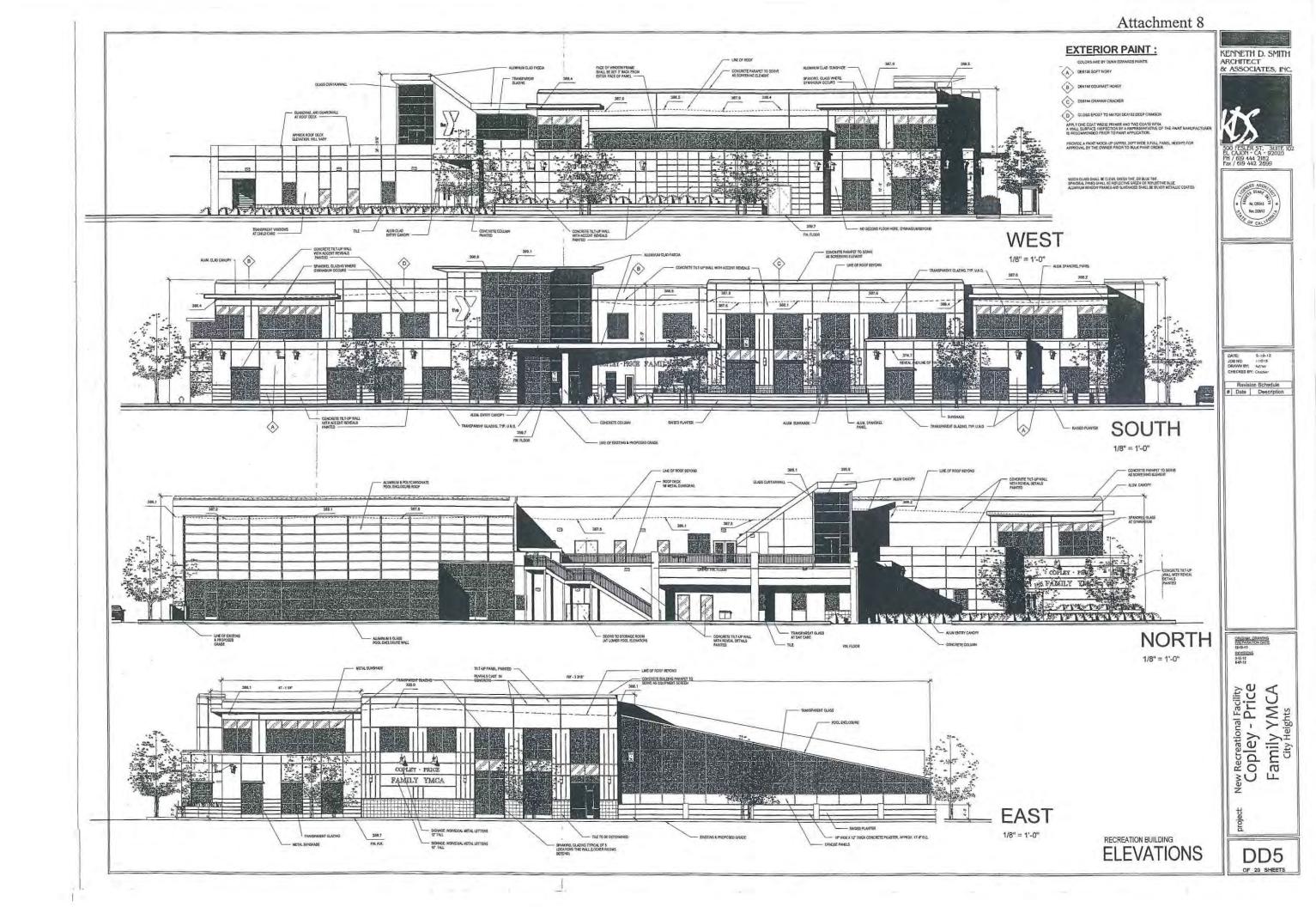
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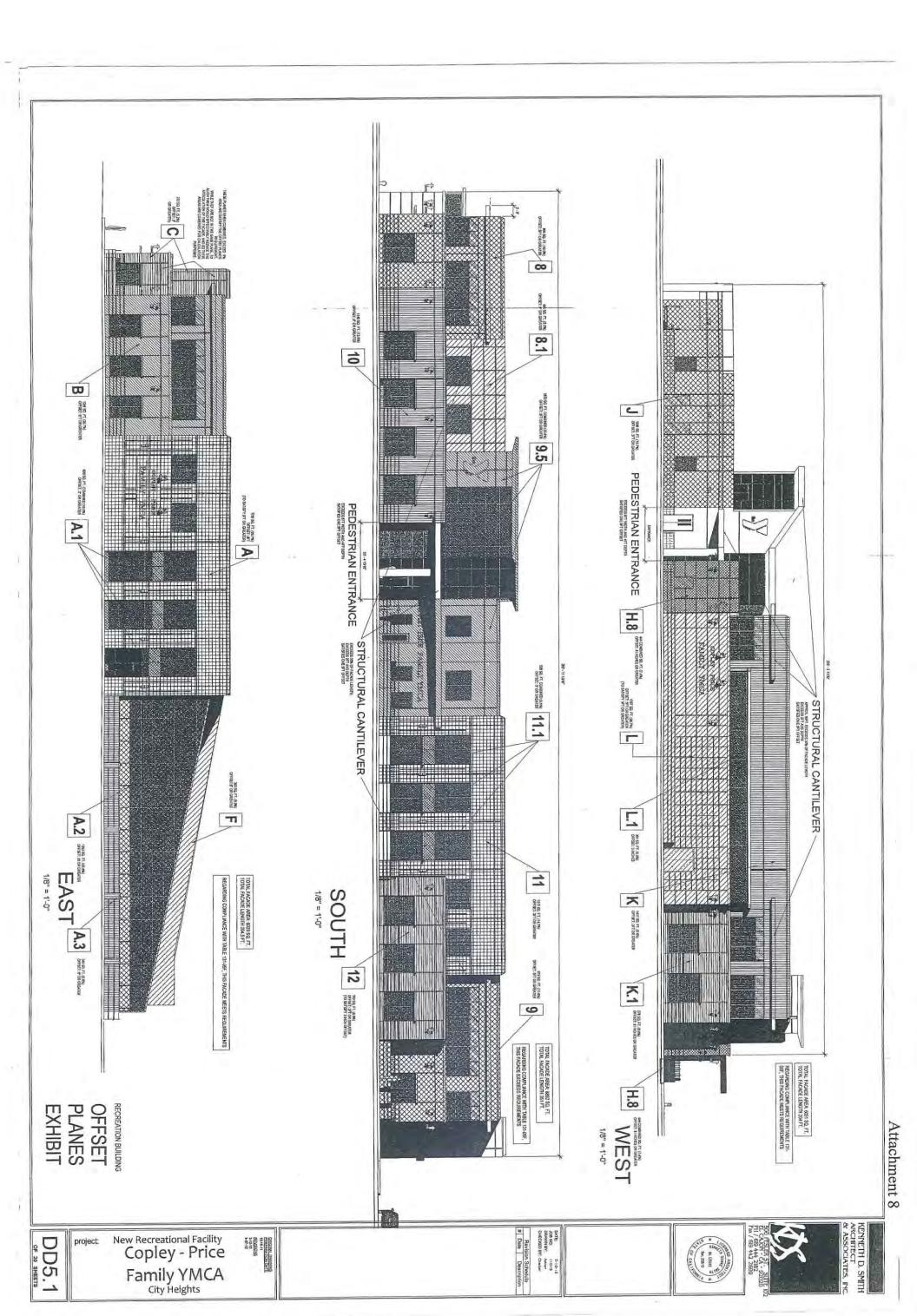
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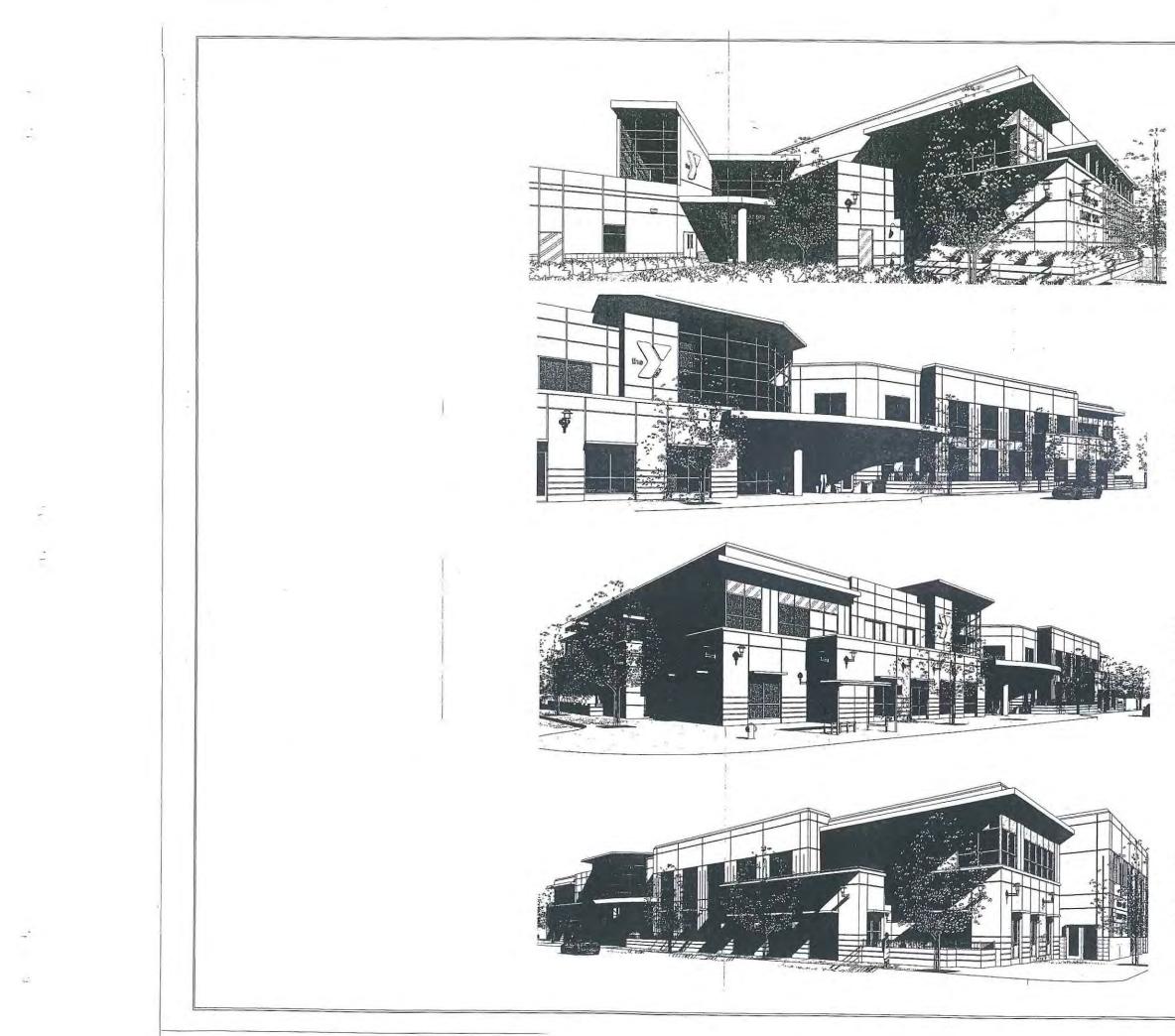












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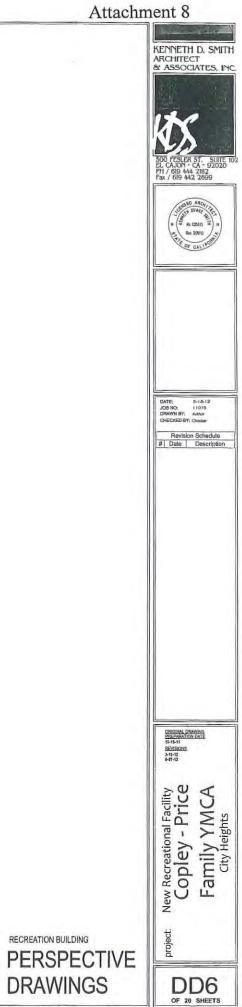
EL CAJON BLVD. ENTRANCE

SOUTH WEST CORNER

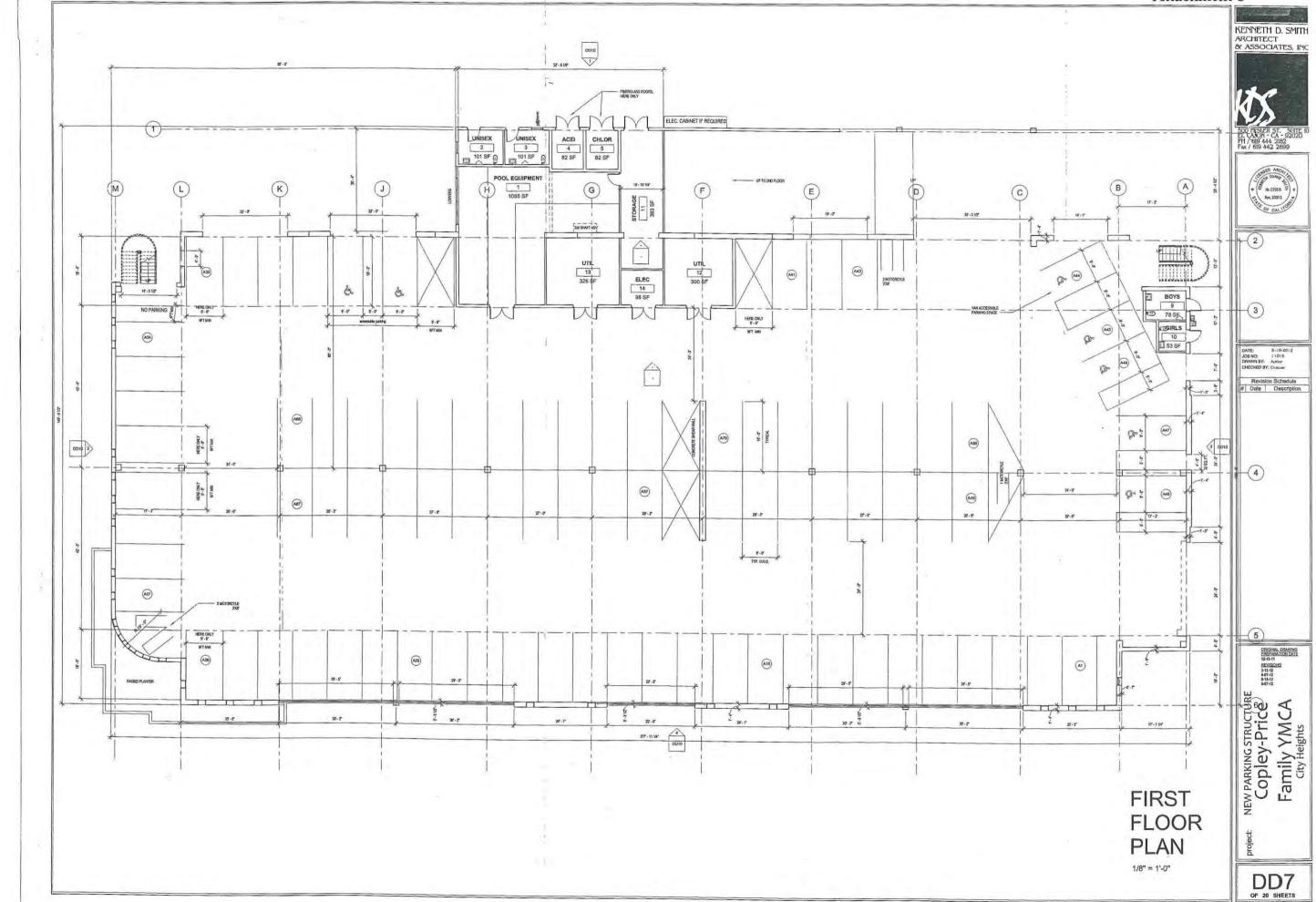
SOUTH EAST CORNER

RECREATION BUILDING

DRAWINGS





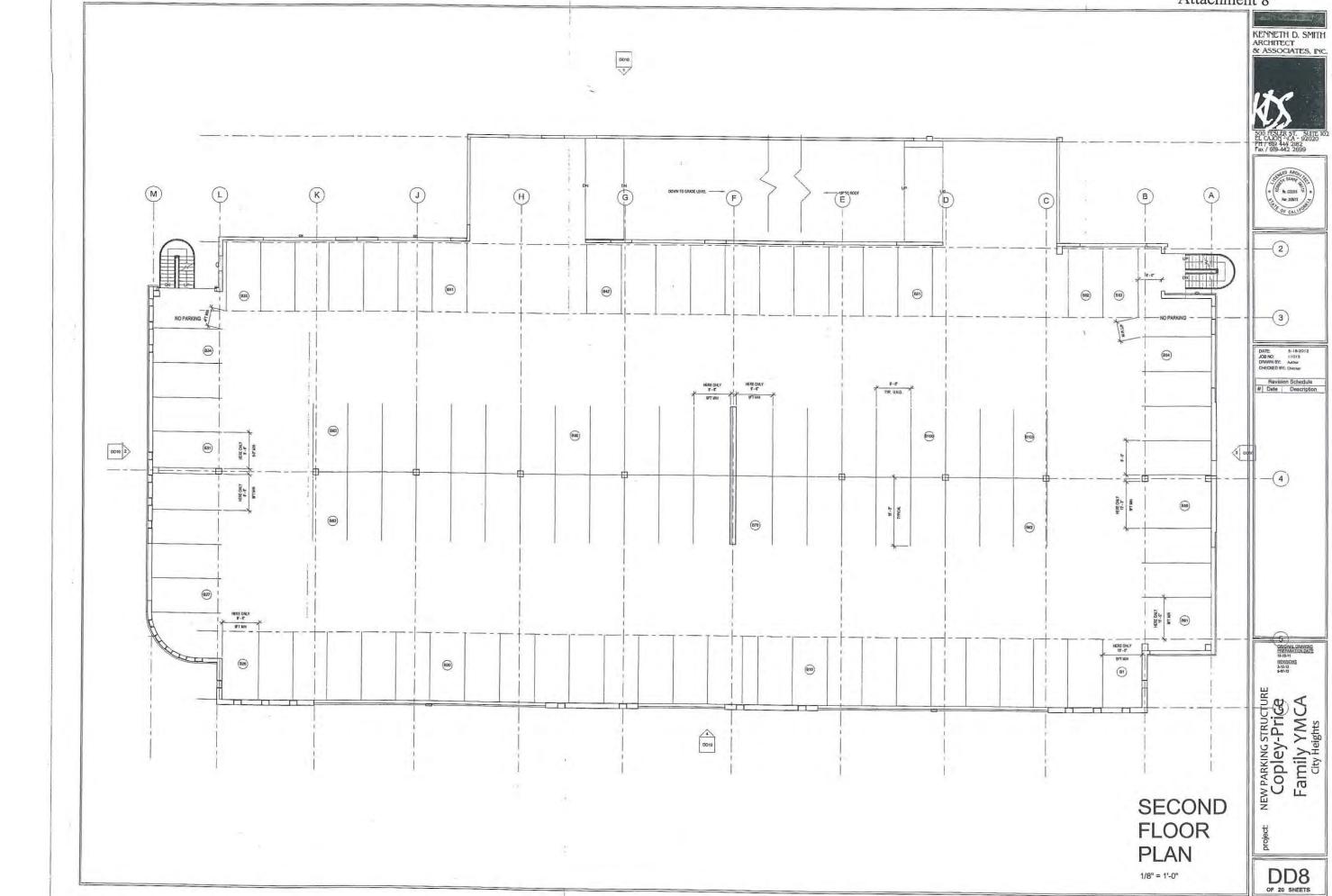


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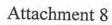


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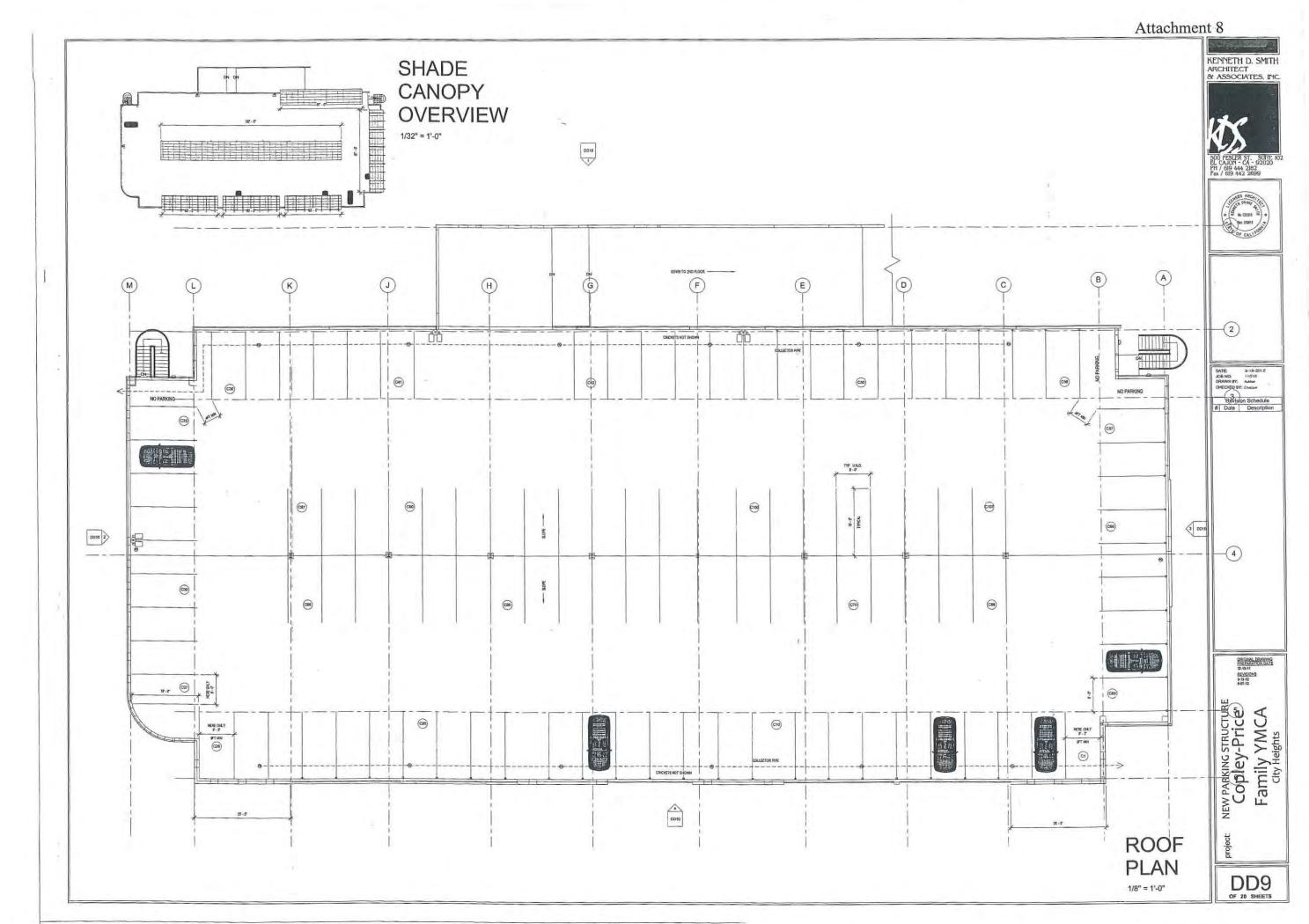
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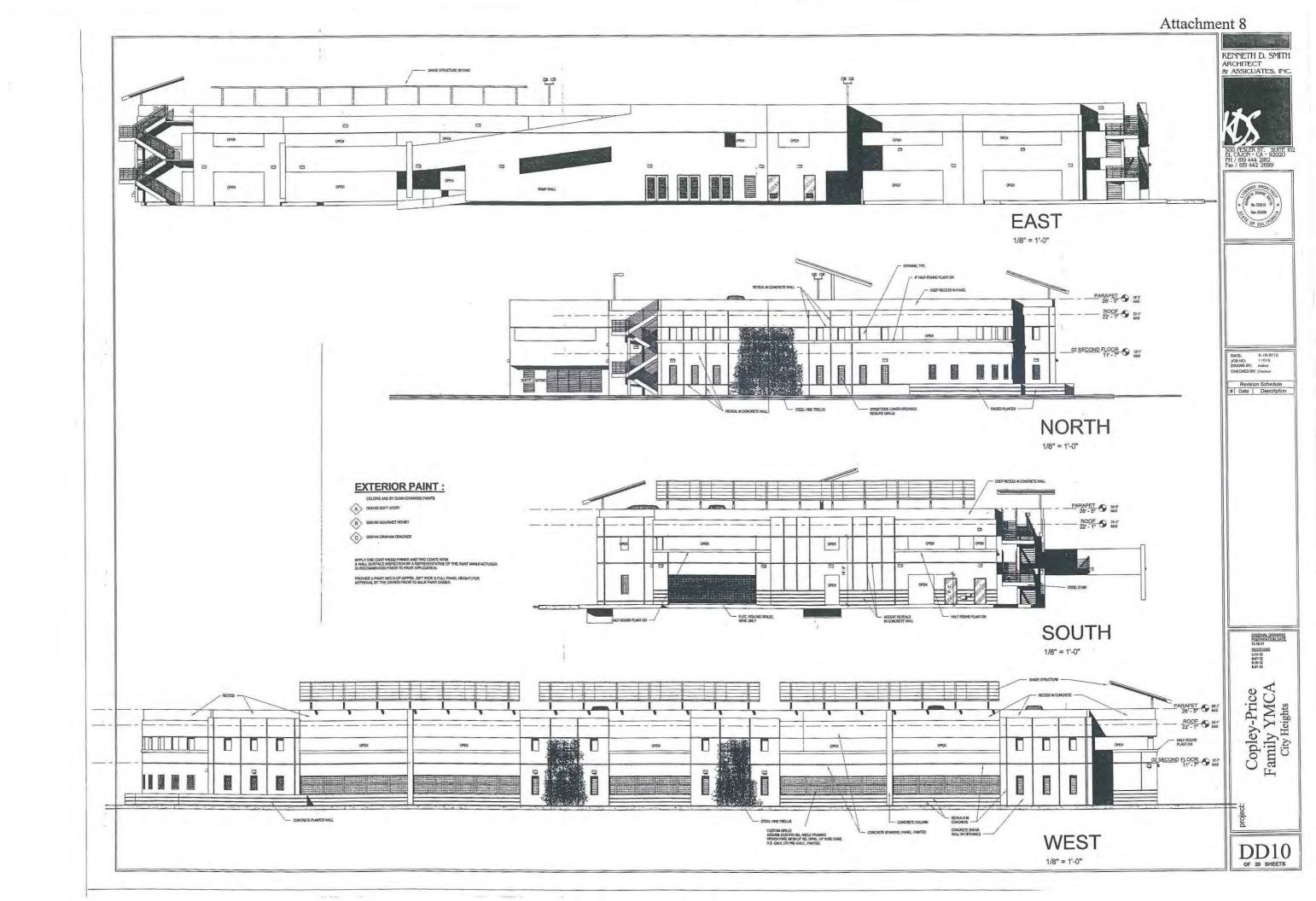




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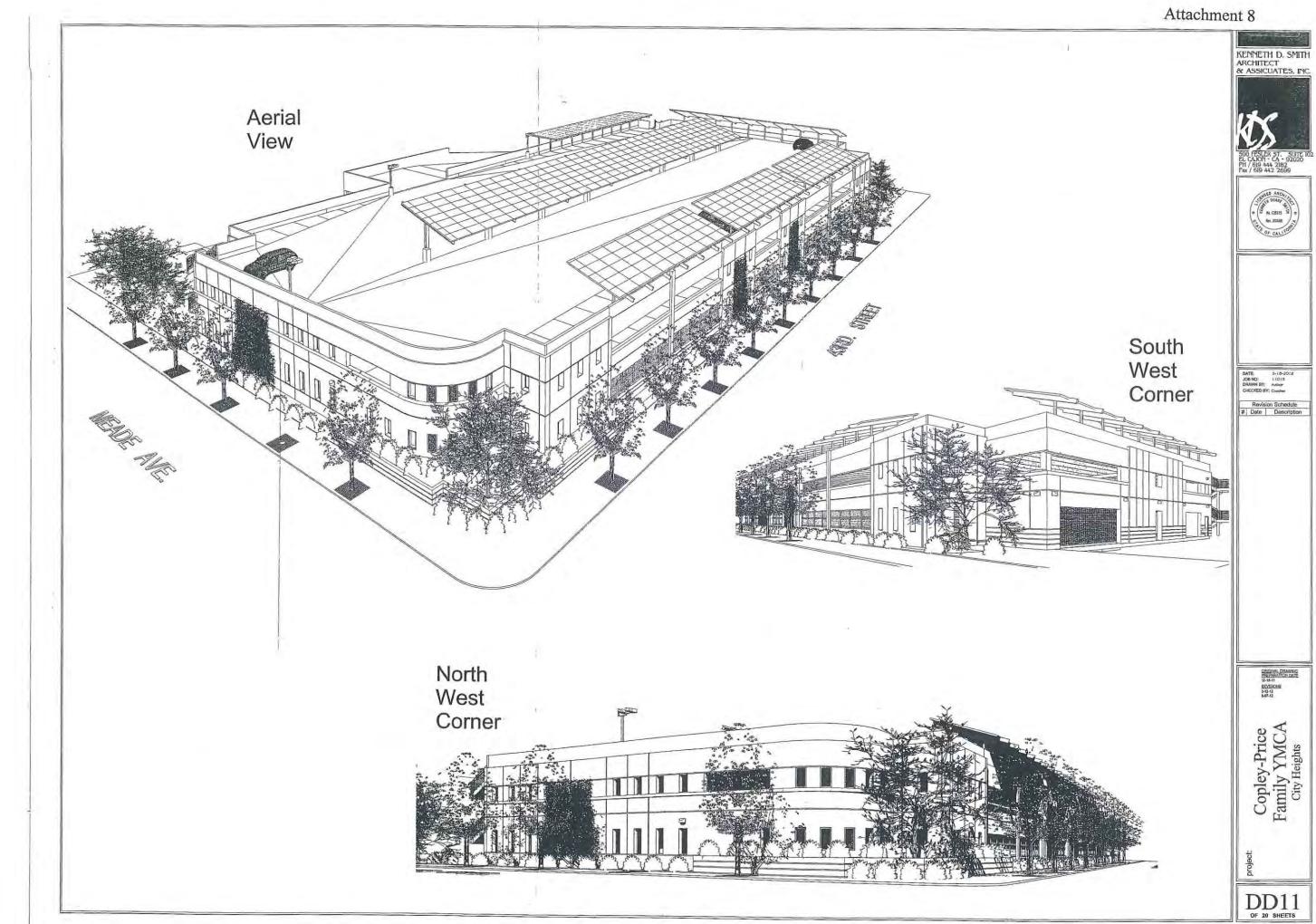




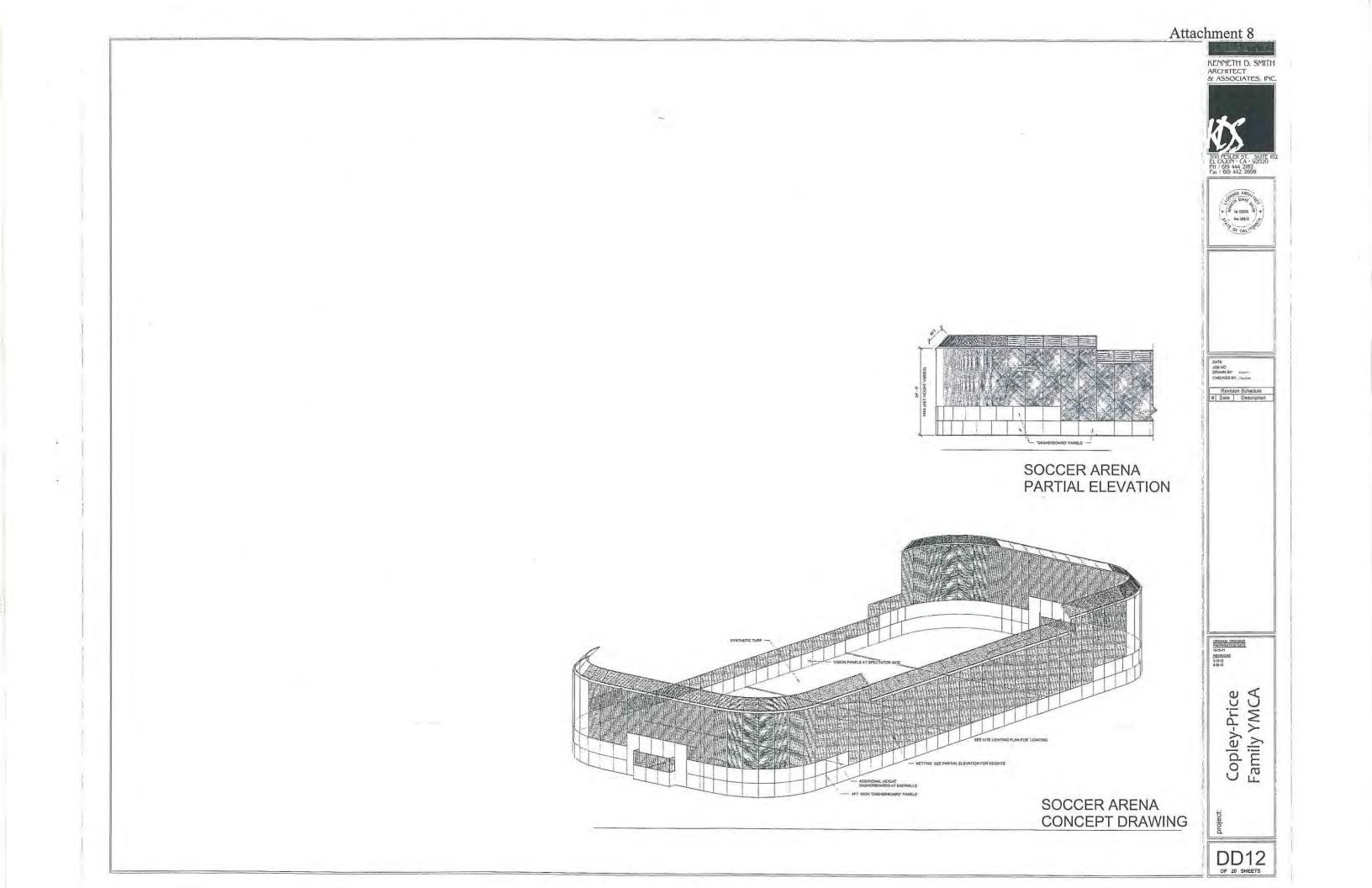
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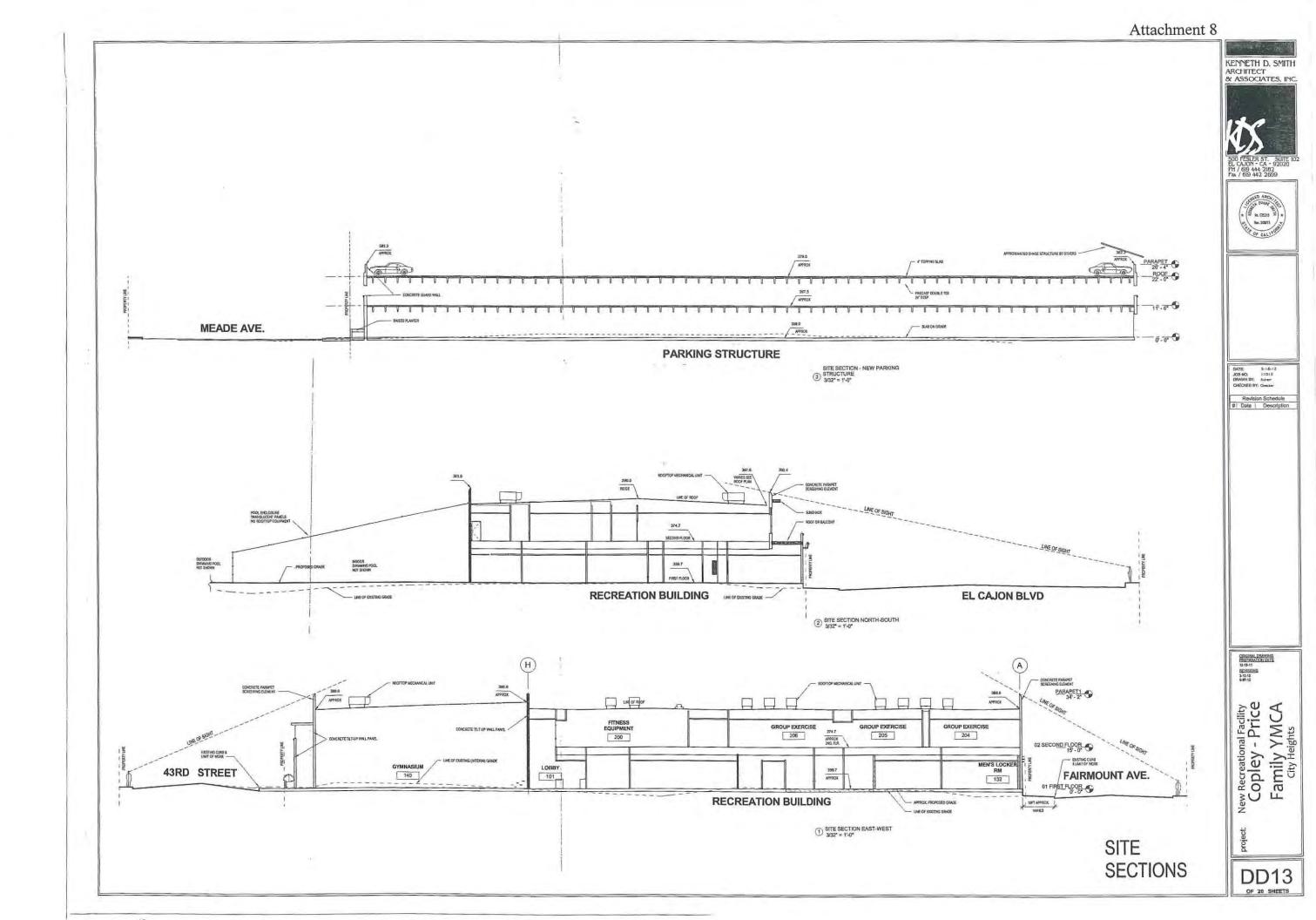
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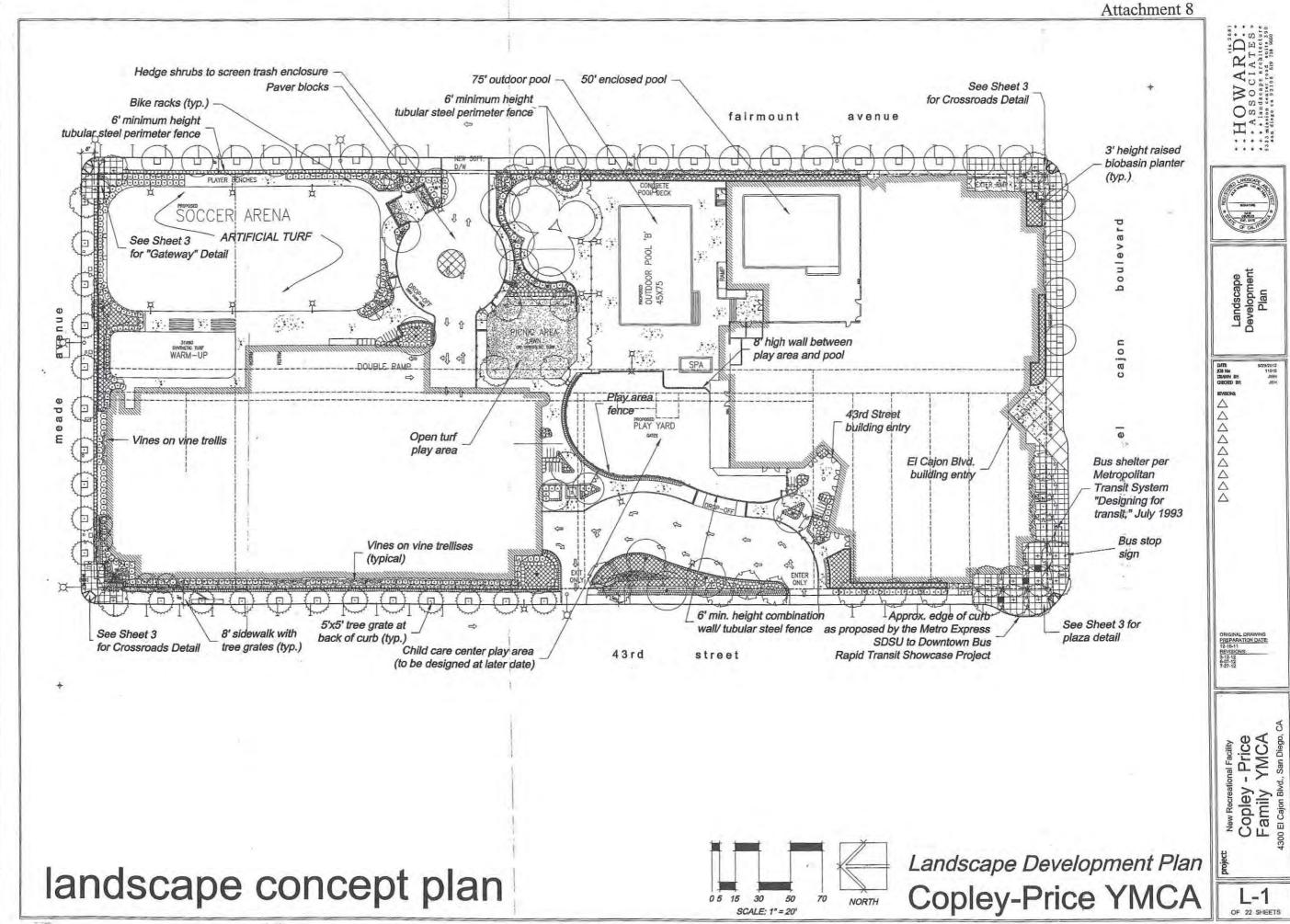


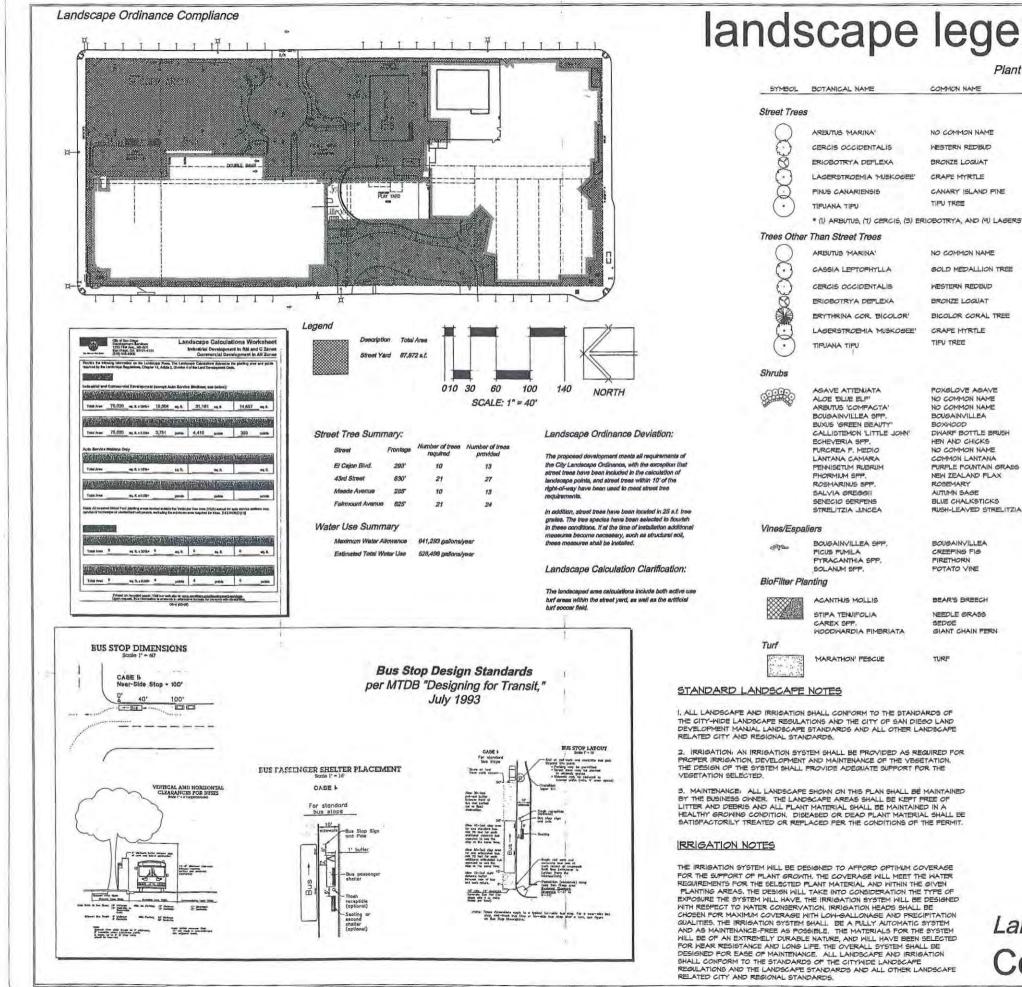




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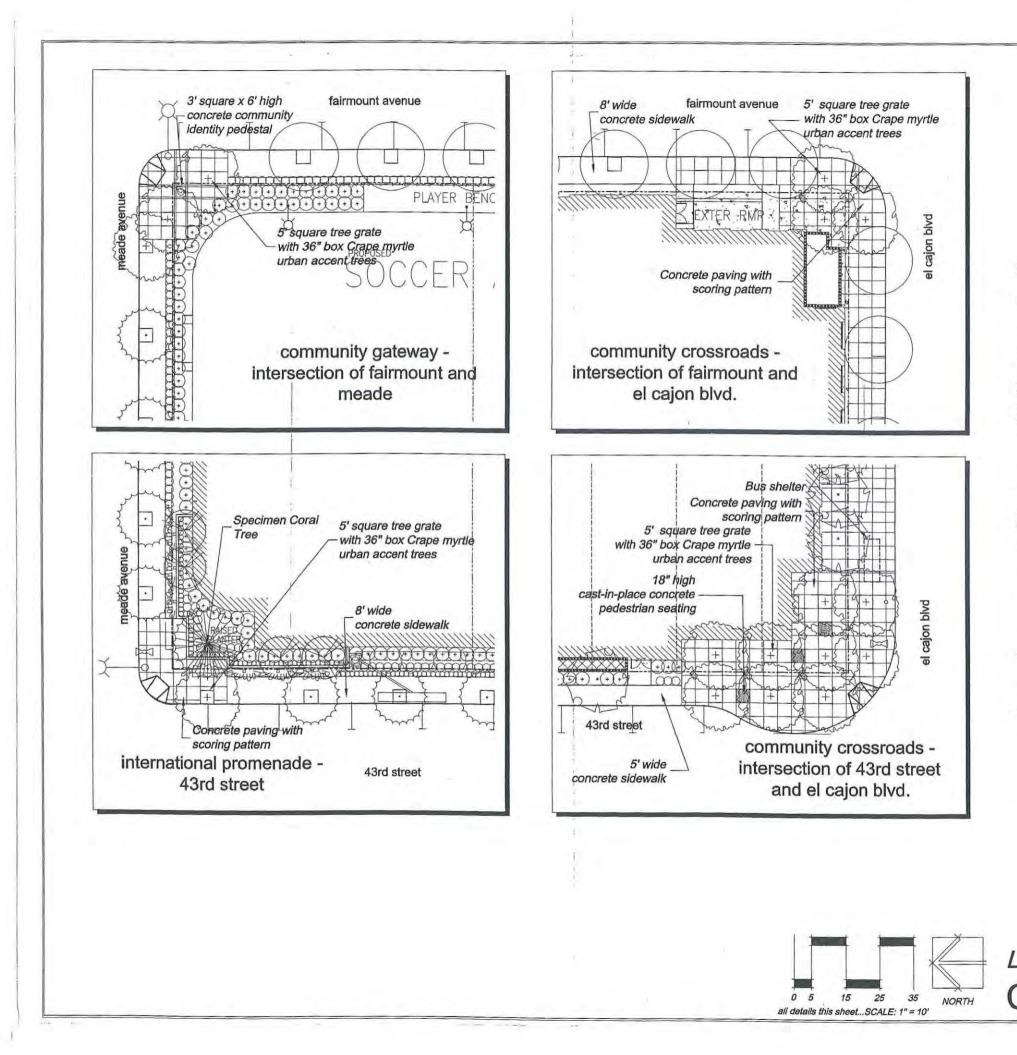


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Copley-Price YMCA

L-2 OF 22 SHEETS





# urban design elements

### community plan compliance

Community Plan Requirements and Recommendations El Cajon Blvd, Fairmount Avenue, 43rd Street, and Meade Avenue are all significant roads which are addressed in the Mid-City Community Plan Urban design element, as follows:

- El Cajon Blvd. (One of the "Great Streets of Mid City." p.60) 43RD Street and Fairmount Avenue (Great Streets of Mid-City;
- part of International Promenade," p. 61-62)
- Fairmount Avenue at Meade Avenue (Gateway, p. 67)
- 43rd Street at El Cajon Blvd. (Crossroads, p. 68)
- Fairmount Avenue at El Cajon Blvd. (Crossroads, p. 68)

Design Response The Copley-Price family YMCA has been designed to meet the intent and recommendations of the community plan, as follows: El Cajon Blvd. (Great Street)

- Non-standard grid paving pattern with diagonal Inset at Building entry to create enhanced pedestrian space;
- Raised planter landscaped buffer along non-plaza portion of building
- Enhanced Street Trees
- Attractive bus shelter tylng into community theme designs

## 43RD Street and Fairmount Avenue (Great Streets, International

- Both streetscapes designed with views into park-like private open
- Both streetscapes designed with street trees to continue existing established street tree themes
- Parking uses existing structure (to be expanded to accommodate needs of redeveloped site)
- Significant portions of both streets feature widened sidewalks, balanced with landscaped buffers, to encourage pedestrian movement
- · Landscape buffer along 5' wide sidewalk near El Cajon Blvd.
- Corner of Fairmount Avenue at Meade Avenue (Gateway) Project fence is set back in this location and special enhanced landscape is provided
- Design includes community identity pliaster and seating

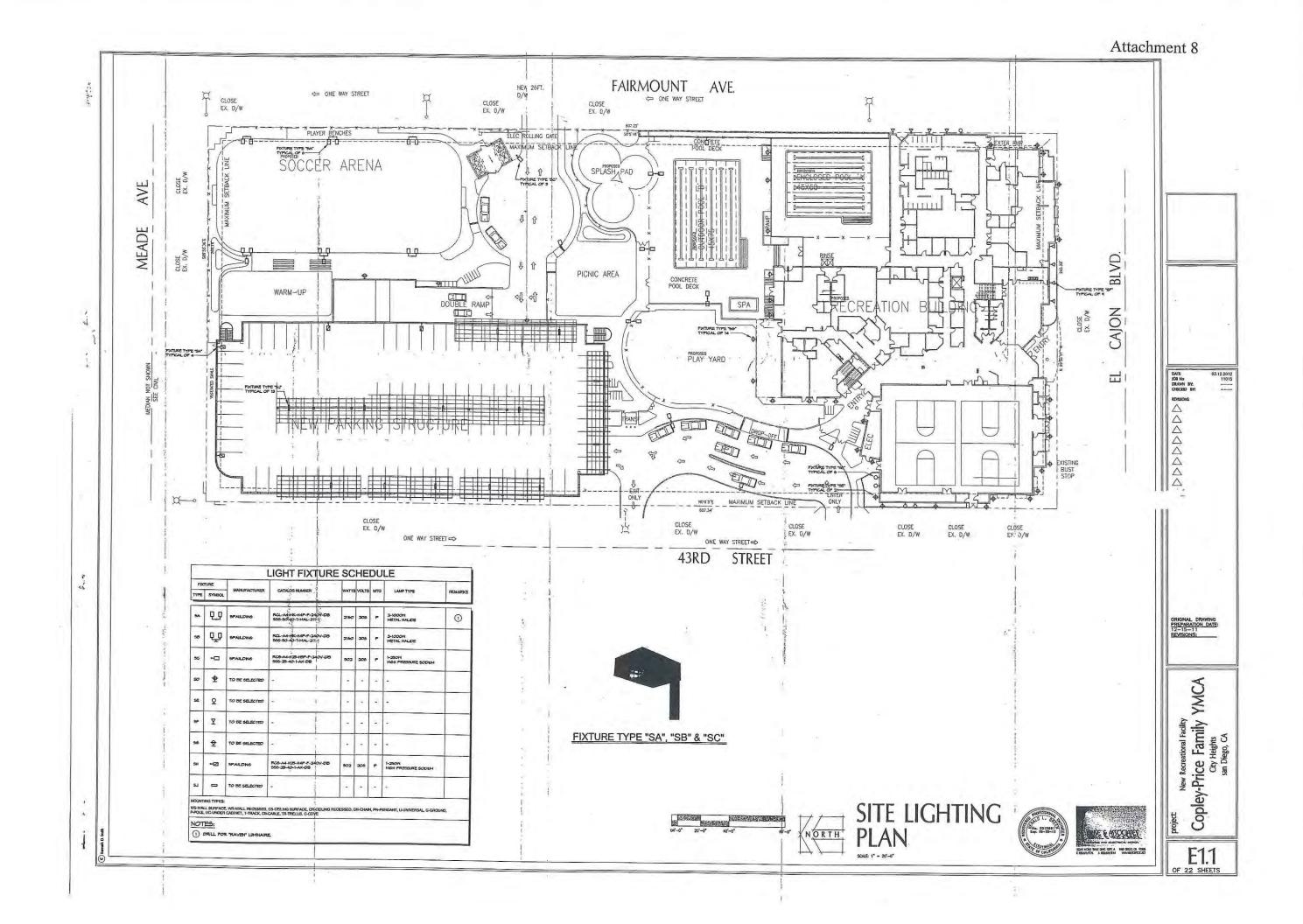
#### 43rd Street at El Cajon Blvd. and Falrmount Avenue at El Cajon Blvd. (Crossroads)

- · Corners of buildings have been stepped back to provide architectural interest and pedestrian space
- · Sidewalk pop-out has been created along both streets to calm traffic, enhance and give greater protection to pedestrian space, and reduce actual vehicular crossing
- Design includes seating and shade trees
- Trees provide shade for seating and bus shelter

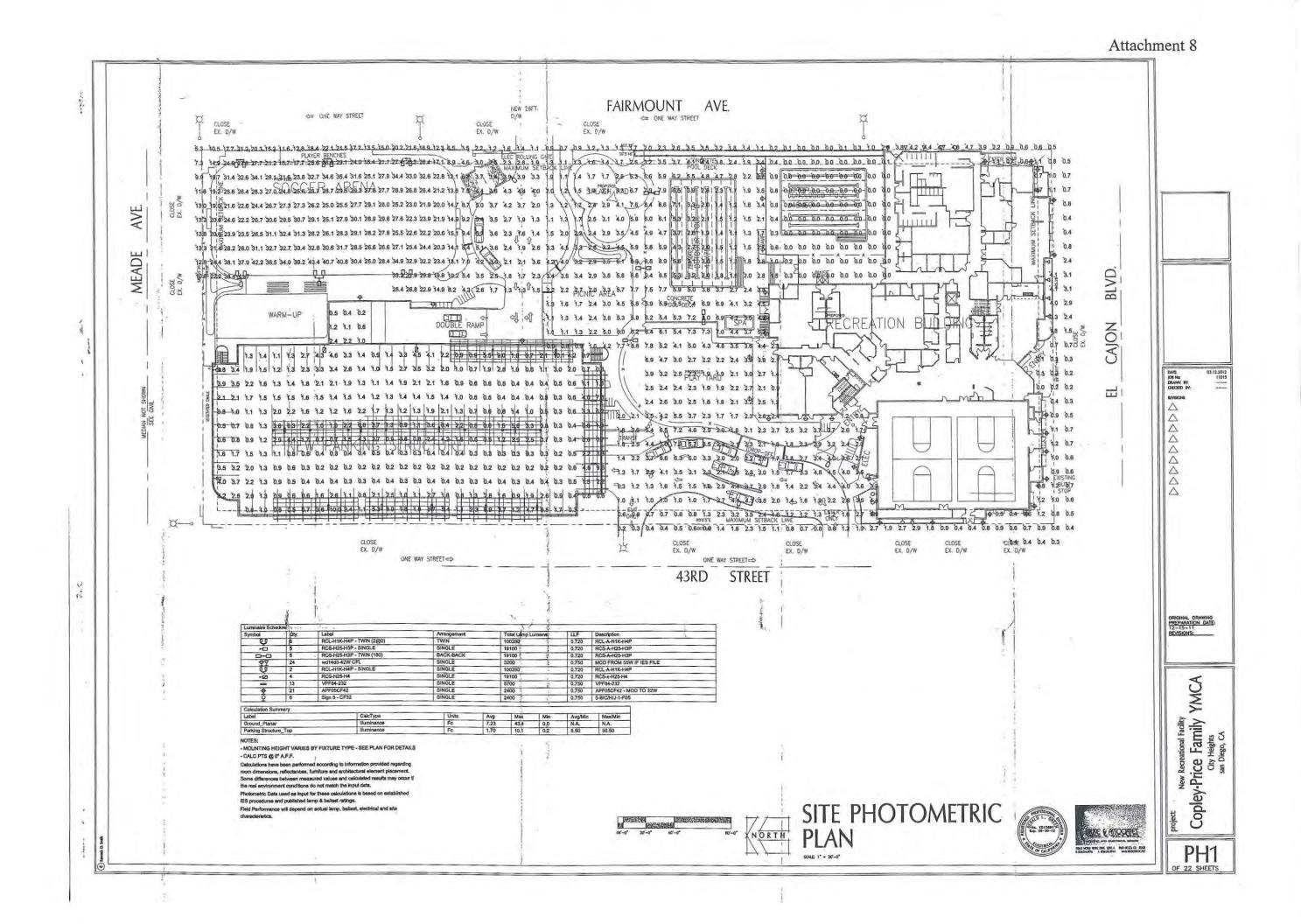
# Landscape Development Plan **Copley-Price YMCA**

Project New Recreational Facility Copley - Price Family YMCA	ORIGINAL DRAWING <u>PREPARATION DATE;</u> 12-15-11 <u>REVISIONS;</u> 3-12-12 5-27-12 5-27-12	DATE 8200 DPS No. 11 DELANA PC. 10 OREDBO PC. 10 DELANA PC	Landscape Development Plan	ALL ALLOS AND ALL ALL ALL ALL ALL ALL ALL ALL ALL AL	OH::
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www.ktpg.org

September 13, 2012

Laura C. Black Development Project Manager Development Services Department 1222 First Avenue, MS 501 San Diego, CA 92101

RE: Copley-Price YMCA Project #266825

Dear Ms Black:

At the September 12, 2012 meeting of the Kensington Talmadge Planning Group, the board approved the following motion by a 12-0-0 vote:

Recommend the Planning Commission and the City Council approve the plans for the YMCA at 4300 El Cajon Blvd. along with Conditional Use Permit, vacation of the existing utility easements, and the Project Development Permit with the four requested deviations for the trash enclosure, transparency, setbacks, and offsetting planes, with the following conditions:

 Request the city direct the utility providers to relocate the existing utility boxes on Meade and Fairmount Avenues. The boxes should be moved far enough onto the YMCA's property to allow for landscaping on the public side and to bring the utilities into compliance with the 2008 General Plan's Mobility and Urban Design Elements (see pages ME-9 & UD-15). The YMCA shall grant easements to the utility companies to allow for this if the utilities will not underground the boxes in the public Right-of-Way.

2) Request the sidewalk be textured with a medium broom finish.

Sincerely,

David K Maty

David K. Moty Chair, Kensington-Talmadge Planning Group Email: kentalpc@yahoo.com

THE CITY OF BAN DIEGO	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000	Own	ership Disclosur Statemen
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Project Title			Project No. For City Use Only
Copley Family	YMCA		266825
Project Address:			
4300 El Cajon E	3lvd., San Diego, Ca.	and the second	
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evelopment Agreem lanager of any chang le Project Manager formation could resu dditional pages a		the City Council. Note: The applicant n is being processed or considered. Cl on the subject property. Fallure to p	is responsible for notifying the Project hanges in ownership are to be given to rovide accurate and current ownership
Name of Individual YMCA of San Die		Name of Individual (type or	print):
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Street Address:		Street Address:	
708 Ruffin Road		City/State/Zip:	
San Diego, Ca. 92 Phone No:	2°23 Fax No:	Phone No:	Fax No:
358-292-9622	/) /) d 858-292-0045		
Signature :	Date: 9.17.12	Signature :	Date:
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Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

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			Attachment 10
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City/State/Zin <sup>*</sup>	92037	City/State/Zip:	- 42.037
Phone No: 858.551. 2.3/9	Fax No: \$58.454.46	Phone Me:	858.551.234
Name of Corporate Officer/P. Sherry S. Bahi	artner (type or print):	Name of Corporate Officer	/Partner (type or print):
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#### Black, Laura

From:Totten, Steve [stotten@ymca.org]Sent:Monday, September 17, 2012 11:58 AMTo:Black, LauraSubject:Price Disclosure StatementAttachments:Price-YMCA page 2 of Ownership Disclosure Stmt (9.17.12).pdf

Laura;

Attached is the Disclosure Statement from Price Charities; please see the message below from Sherry B's secretary. Do you want me to mail you the hard copies?

Best,

Steve

From: Julie Durkee [mailto:jdurkee@price-entities.com] Sent: Monday, September 17, 2012 11:45 AM To: Totten, Steve Cc: Sherry Bahrambeygui Subject: RE: Copley Hearing

Steve,

Pursuant to our recent phone conversations, attached please find page 2 of the Ownership Disclosure Statement, which we have revised and Sherry has signed. I have added Robert Price's name and title on the Statement.

You informed me that you spoke to Ms. Black at the City, and she stated we did not need Robert's signature on the form, we only needed a list of "anyone who has a formal relationship with Fairmount and El Cajon Realty, LLC" (FECR). Price Charities is the sole member of FECR; Robert is the President of Price Charities and Sherry is the Executive Vice President and Secretary of Price Charities.

You stated that Ms. Black is very anxious to get this document from us because the hearing on this matter will be held on October 18, 2012.

Since we are providing this to you in an electronic format, please let us know if we need to mail the original executed document to you. Please also provide us with the corrected page one, that Mr. Heredlin-Doherty has executed.

Please let us know if you require any additional information or documentation on this matter.

Thank you.

Julie

From: Totten, Steve [mailto:stotten@ymca.org] Sent: Thursday, September 13, 2012 3:49 PM To: Sherry Bahrambeygui Cc: Julie Durkee Subject: FW: Copley Hearing

Sherry:



### DEVELOPMENT SERVICES **Project Chronology Copley – Price Family YMCA – Project No. 266825**

Date	Action	Description	City Review Time (Working Days)	Applicant Response (Working Days)
01/05/2012	First Submittal	Project Deemed Complete		
01/27/2012	First Assessment Letter		15 days	
03/22/2012	Second Submittal			38 days
04/09/2012	Second Assessment Letter		11 days	
06/27/2012	Third Submittal			56 days
07/20/2012	Third Assessment Letter		16 days	
08/01//2012	Fourth Submittal		41	8 days
08/21/2012	Fourth Assessment Letter		14 days	
08/21/2012	Fifth Submittal			0 days
08/24/2012	Traffic Study Approved		3days	
09/06/2012	City Staff Review Complete		8 days	
09/07/2012	Environmental Determination – Exempt – In-Full Development – Section 15332		1 day	
10/18/2012	Planning Commission Hearing	First available hearing date after Environmental Exemption	29 days	
TOTAL STA	FF TIME	(Does not include City Holidays or City Furlough)	97 days	
TOTAL APP	PLICANT TIME	(Does not include City Holidays or City Furlough)		102 days
TOTAL PRO	DJECT RUNNING TIME	From Deemed Complete to City Council	199 days	

