



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: July 7, 2020 REPORT NO. HO-20-034

HEARING DATE: July 15, 2020

SUBJECT: The Congress Parking – CUP, Process Three Decision

PROJECT NUMBER: [634652](#)

OWNER/APPLICANT: Axiom Hospitality, LLC/Dean Wilson

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) for the construction of a 35-space commercial parking lot at [2484 Congress Street and 3959 Harney Street](#) in the Old Town San Diego Community Planning Area?

Staff Recommendation:

1. APPROVE Conditional Use Permit No. 2280479; and
2. ADOPT Mitigated Negative Declaration No. 634652 and adopt the associated Mitigation Monitoring and Reporting Program (MMRP).

Community Planning Group Recommendation: On April 18, 2019, the Old Town San Diego Community Planning Group voted 8-0 to recommend approval of the proposed project, with three abstentions and three absences.

Environmental Review: In accordance with the California Environmental Quality Act (CEQA), Mitigated Negative Declaration No. 634652, [final report dated June 25, 2020](#), was prepared for this project and includes mitigation measures for potentially significant impacts to Historical Resources-Archaeology and Tribal Cultural Resources.

BACKGROUND

The vacant 0.28-acre project site is at 2484 Congress Street and 3959 Harney Street in the OTSDPD OTCC-2-2 zone and the Community Commercial land use designation within the [Old Town San Diego Community Plan](#) (Attachments 1, 2, 3). The site has been vacant for more than ten years.

The site is within the Core Sub-District of the Old Town San Diego Community Plan, which is a community focal point where commercial uses are prevalent. To the northeast of the site are commercial uses zoned OTCC-2-1 with Community Commercial – Residential Permitted land use designations, to the northwest are commercial uses zoned OTCC-2-3 with Community Commercial – Residential Permitted land use designations, and to the southeast and southwest are commercial properties with the same zone and designation as the project site.

DISCUSSION

The project proposes a Conditional Use Permit (CUP) to allow a new temporary on-grade commercial parking lot. The proposed lot will operate 24 hours a day, providing 35 parking spaces serving nearby commercial uses. The lot will include two disabled spaces and four electric vehicle charging stations. Payment will be accepted at an automatic pay station. The proposed parking lot use requires a Process Three CUP per [SDMC 1516.0117](#), with the Hearing Officer as the decision-maker.

In addition to the proposed parking spaces, the site will be improved with landscaping, sidewalks, and a new driveway from Harney Street. An existing wall will also be enhanced by being increased in height to maintain privacy for the neighbors. Existing street trees along Harney Street would be salvaged and protected and reinstalled if necessary.

Staff review indicated a high potential for archaeological resources on the project site. Therefore, a Mitigated Negative Declaration was prepared to address potential impacts to Historical Resources (Archaeology) and Tribal Cultural Resources. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in order to mitigate these impacts to below a level of significance.

The project meets the requirements of the OTCC-2-2 zone and all other applicable regulations, as well as the criteria for Temporary Parking Facilities ([SDMC 1516.0117](#)) as an allowed conditional use. Permit conditions will limit the use to five years, at which time the parking lot must be removed or the permit amended to include a new primary use.

Community Plan Analysis

The project site is located within the Old Town San Diego Community Plan Area. Figure 3-1 of the Old Town San Diego Community Plan identifies the land use as Community Commercial—Residential Permitted, which allows for a variety of commercial uses such as retail, office, visitor commercial uses, and allows for the integration of residential uses. This parking lot is a visitor commercial use, which is consistent with the applicable land use. The project furthers the goals of the Old Town San Diego Community Plan, one of which is to maintain and enhance the Core as the central commercial/retail area of the Old Town San Diego community.

CONCLUSION

The project complies with all relevant development regulations. Staff has prepared draft findings in the affirmative to approve the project and recommends approval of the Congress Parking Lot project (Attachment 4).

ALTERNATIVES

1. Approve Conditional Use Permit No. 2280479, with modifications.
2. Deny Conditional Use Permit No. 2280479, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



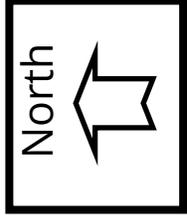
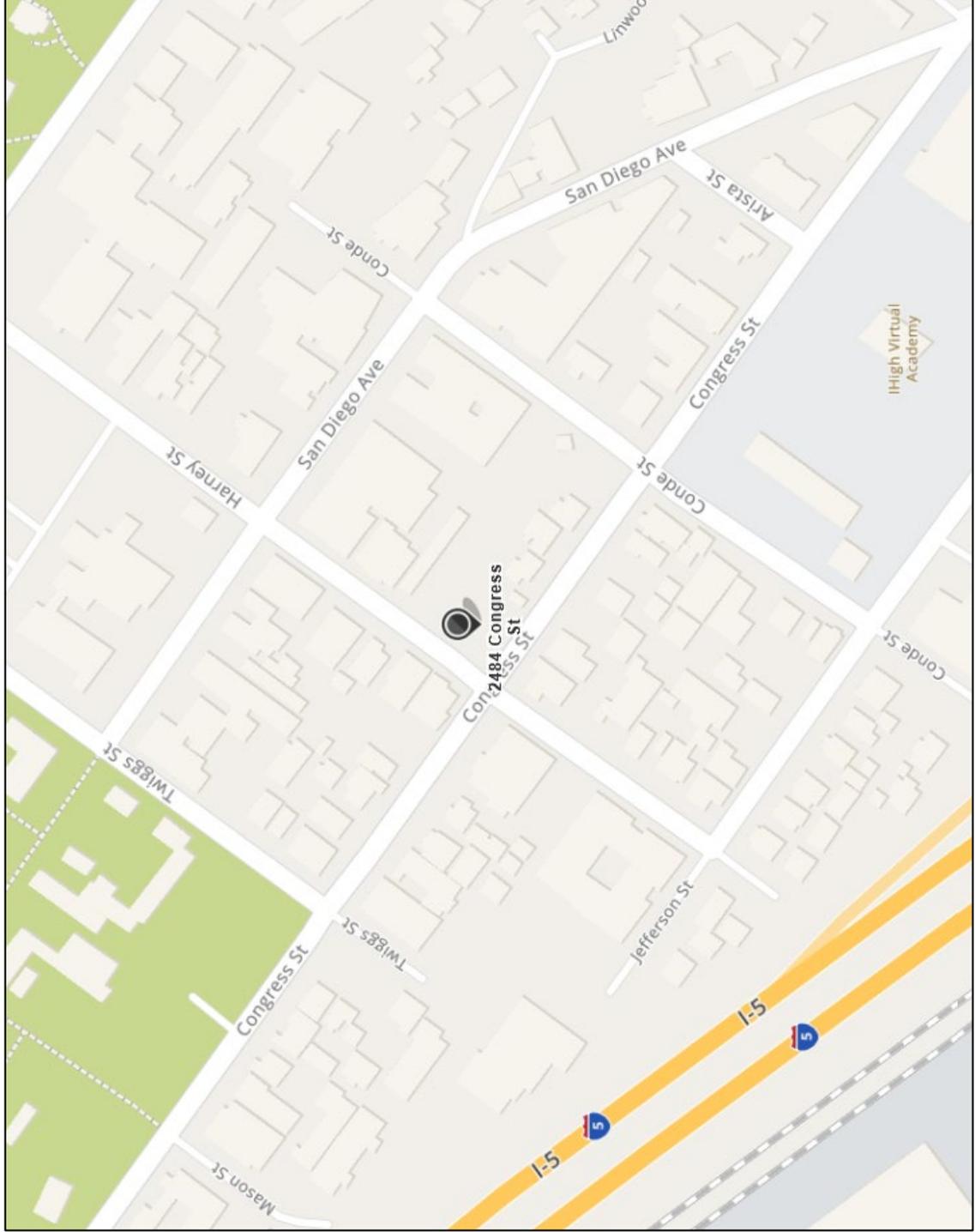
Denise Vo, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans



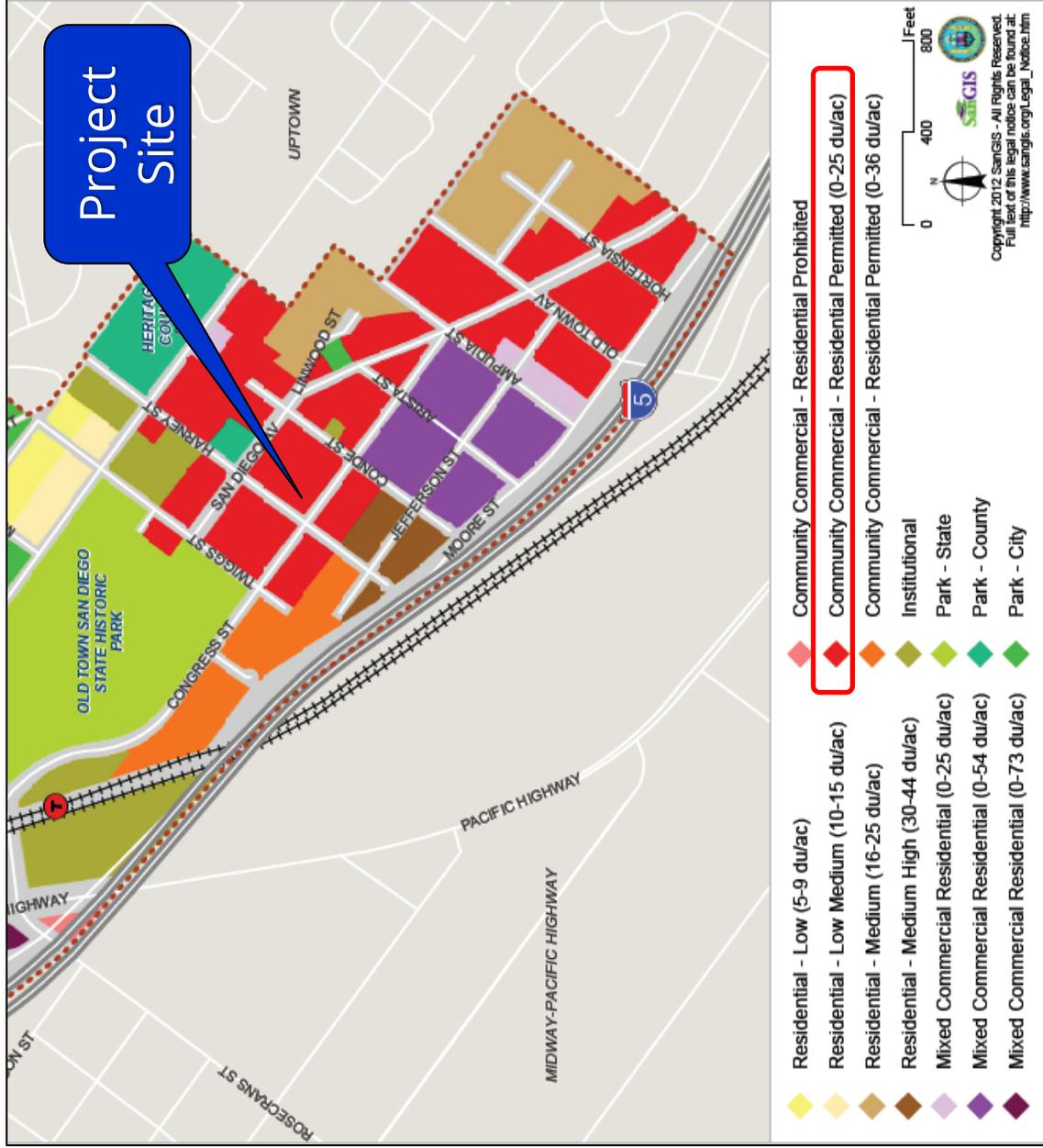
Project Location Map



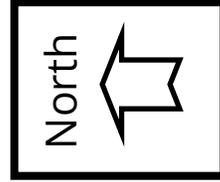
**The Congress Parking, Project Number 634652
2484 Congress Street and 3959 Harney Street**



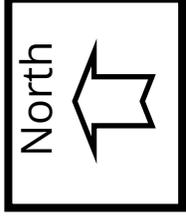
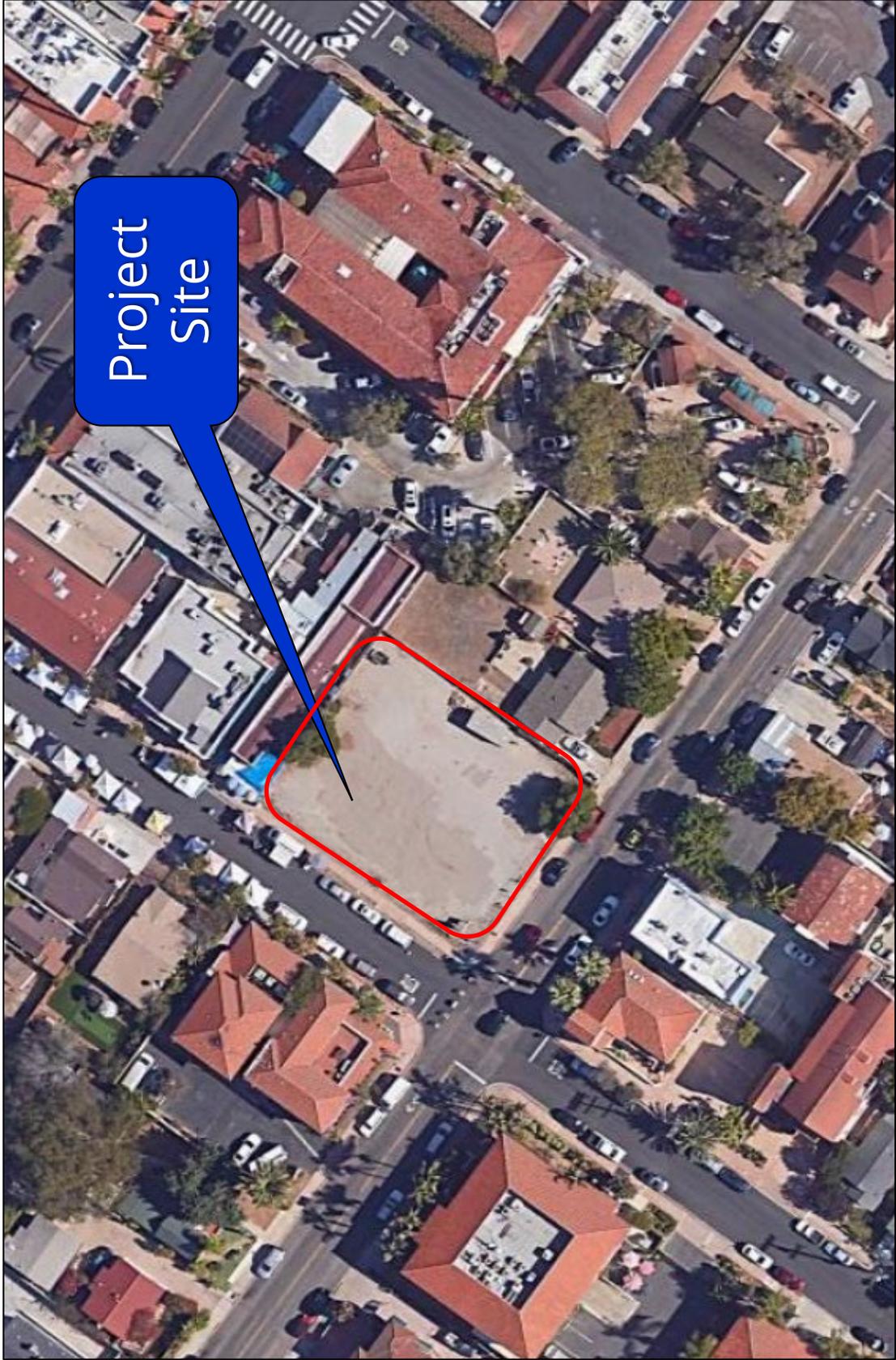
Community Plan



The Congress Parking, Project Number 634652
2484 Congress Street and 3959 Harney Street



Aerial Photo



The Congress Parking, Project Number 634652
2484 Congress Street and 3959 Harney Street

HEARING OFFICER
RESOLUTION NO. [REDACTED]
CONDITIONAL USE PERMIT NO. 2280479
THE CONGRESS PARKING CUP - PROJECT NO. 634652

WHEREAS, DEAN WILSON, Owner/Permittee, filed an application with the City of San Diego for a permit for the construction of a new on grade parking lot for a total of thirty-five (35) parking spaces consisting of thirty-three (33) standard parking spaces and two (2) disabled parking spaces (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2280479), on portions of a 0.28-acre site;

WHEREAS, the project site is located at 2484 Congress Street and 3959 Harney Street in the OTSDPD OTCC-2-2 zone of the Old Town San Diego Community Plan;

WHEREAS, the project site is legally described as:

Parcel 1: 443-513-11

The southwesterly 60 feet of the northwesterly 100 feet of Lot 1, in Block 481 of Old San Diego in the City of San Diego, County of San Diego, State of California, according to map thereof made by James Pascoe in 1870, a copy of which was filed in the office of the County Recorder of San Diego County, December 12, 1921 and is known as Miscellaneous Map 40.

Parcel 2: 443-513-12

The southwesterly half of the northeast 50 feet of the northwest 100 feet of Lot 1, and the southwest 50 feet of the northwest 100 feet of Lot 1, and the northeast 25 feet of the southwest 75 of the northwest 100 feet of Lot 1, and the northeast 25 feet of the southwest 100 feet of the northwest 100 feet of Lot 1, all in Block 481 of Old San Diego, in the City of San Diego, County of San Diego, State of California, according to map of Old San Diego made by James Pascoe in 1870 and now on file in the office of the City Engineer of said City;

WHEREAS, on July 15, 2020, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 634652 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 2280479:

A. CONDITIONAL USE PERMIT [Section 126.0305]**1. Findings for all Conditional Use Permits:****a. The proposed development will not adversely affect the applicable land use plan.**

The project proposes a temporary parking lot consisting of thirty-five (35) parking spaces on a 0.28-acre vacant site located at 2484 Congress Street and 3959 Harney Street in the OTCC-2-2 zone of the Old Town San Diego Community Plan. The project site is designated Commercial Community - Residential Permitted within the Core Sub-District of the Community Plan. This designation provides for a variety of commercial uses such as retail, office, visitor commercial uses, and also allows for the integration of residential uses. The proposed parking lot is a visitor commercial use and will also support nearby uses by providing additional parking.

Within the Core Sub-District, there is only one visitor-serving parking lot, a City-owned parking lot on Twiggs Street. The Community Plan considers the City-owned parking lot a plaza to provide for cultural events, outdoor markets, and recreational uses should parking be replaced in another location.

The project supports Community Plan policies because it enhances the Core as the central commercial/retail area of the Old Town Community by providing additional parking to its visitors, and it also creates potential for the current City-owned parking to operate as a plaza as envisioned by providing (35) parking spaces at an alternative location. Furthermore, a parking lot conforms to the Commercial Community - Residential Permitted land use designation. Therefore, the project will not adversely affect the community plan.

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

The proposed surface parking lot that has been designed to comply with all the applicable development regulations, including those of the OTCC-2-2 zone. The project will not be detrimental to public health, safety and welfare in that the permit contains specific conditions addressing compliance with the City's codes, policies, and regulations to prevent impacts to the health, safety and general welfare. For example, the permit contains conditions requiring public improvements to be constructed to City standards, the closure of unused driveways, and the preparation of a Water Pollution Control Plan.

A Mitigated Negative Declaration (MND) was prepared for the project, which did not identify significant impacts to the public health and safety. The MND identified potential impacts to Historical Resources (Archaeology) and Tribal Cultural Resources. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared that will mitigate these impacts to below a level of significance. The project

will also be subject to all applicable regulations governing construction and operation of a parking lot, including (but not limited to) air and water quality regulations. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed project complies with all applicable regulations, including those of the OTCC-2-2 zone and the criteria for Temporary Parking Facilities under SDMC Section 1516.0117 and 141.0616. No deviations are proposed. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

d. The proposed use is appropriate at the proposed location.

The project is located within the Core Sub-District of the current Old Town San Diego Community Plan, which serves as the center of the community, providing dining establishments, shopping, entertainment, and cultural events. The Community Plan describes the Core Sub-District as an entertainment and celebration area with goals to create an environment in which visitors and residents can congregate. Aside from street parking, the only area in which visitors may park is at the City-owned parking lot on Twiggs Street. However, the community plan envisions the creation of a plaza at the City-owned parking lot to provide for cultural events, outdoor markets, and recreational uses if visitor parking is replaced elsewhere in the community.

As a community focal point, the Core Sub-District requires adequate parking spaces to serve its visitors and traffic. The 35 parking spaces provided as part of the proposed parking lot will contribute in supporting visitors to the area. The project's location is easily accessible, on the corner of two busy commercial streets, Harney Street and Congress Street, adjacent to various commercial storefronts. The project location will support the community's current and long-term goals. Therefore, the use is appropriate at the proposed location.

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, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2280479 is hereby GRANTED by the Hearing Officer to the

referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2280479, a copy of which is attached hereto and made a part hereof.

Denise Vo
Development Project Manager
Development Services

Adopted on: July 15, 2020

IO#: 24008235

DRAFT

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008235

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2280479
THE CONGRESS PARKING CUP PROJECT NO. 634652
HEARING OFFICER

This Conditional Use Permit No. 2280479 is granted by the Hearing Officer of the City of San Diego to Dean Wilson, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0616. The 0.28-acre site is located at 2484 Congress Street and 3959 Harney Street in the OTSDPD OTCC-2-2 zone of the Old Town San Diego Community Plan. The project site is legally described as:

Parcel 1: 443-513-11

The southwesterly 60 feet of the northwesterly 100 feet of Lot 1, in Block 481 of Old San Diego in the City of San Diego, County of San Diego, State of California, according to map thereof made by James Pascoe in 1870, a copy of which was filed in the office of the County Recorder of San Diego County, December 12, 1921 and is known as Miscellaneous Map 40.

Parcel 2: 443-513-12

The southwesterly half of the northeast 50 feet of the northwest 100 feet of Lot 1, and the southwest 50 feet of the northwest 100 feet of Lot 1, and the northeast 25 feet of the southwest 75 of the northwest 100 feet of Lot 1, and the northeast 25 feet of the southwest 100 feet of the northwest 100 feet of Lot 1, all in Block 481 of Old San Diego, in the City of San Diego, County of San Diego, State of California, according to map of Old San Diego made by James Pascoe in 1870 and now on file in the office of the City Engineer of said City.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a new on grade parking lot include a total of thirty-five (35) parking spaces consisting of thirty-three (33) standard parking spaces and two (2) ADA parking spaces described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 15, 2020, on file in the Development Services Department.

The project shall include:

- a. Construction of a temporary 24-hour parking lot to include thirty-five (35) parking spaces, automotive parking kiosk, and four EV charging stations on a vacant 0.28-acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 29, 2023.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on July 29, 2025. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

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

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

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the

Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 634652 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 634652 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology) and Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the Sidewalk Underdrain/Curb Outlet, landscaping and other private improvements in the City's Right-of Way, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2, Construction BMP Standards, Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this

permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

19. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. Prior to issuance of any construction permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, 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 Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)5.

21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

23. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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 authorized by the appropriate City decision maker in accordance with the SDMC.

24. 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 improvements 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.

25. The Conditional Use Permit will expire after 5 years. At such time the parking lot shall be removed, or the permit amended to include a new primary use.

26. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

27. 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

28. Prior to the commencement of the use associated with this 5-year Conditional Use Permit, the Owner/Permittee shall grant to the City an irrevocable offer of dedication of 6.7 feet along Congress St and 3.9 feet along Harney St for additional street Right-of-Way purposes, as shown on approved Exhibit 'A', satisfactory to the City Engineer.

29. Prior to the commencement of the use associated with this Conditional Use Permit, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 21-foot wide driveway, adjacent to the site on Congress Street, satisfactory to the City Engineer.

30. Prior to the commencement of the use associated with this Conditional Use Permit, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 24-foot wide driveway, adjacent to the site on Harney Street, satisfactory to the City Engineer.

31. Prior to the commencement of the use associated with this Conditional Use Permit, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern adjacent to the site, satisfactory to the City Engineer.

32. Prior to the commencement of the use associated with this Conditional Use Permit, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing curb ramp at the northeast corner of Congress Street and Harney Street, with current City Standard curb ramp with Detectable/Tactile Warning Tile, satisfactory to the City Engineer.

33. Prior to the commencement of the use associated with this Conditional Use Permit, the Owner/Permittee shall assure, by permit and bond, the closure of the non-utilized driveways, adjacent to site on Congress Street and Harney Street with current City Standard curb and gutter, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

34. Prior to the issuance of any building permits, if it is determined during the building permit review process the existing water and sewer service will not be adequate to serve the proposed project, the Owner/Permittee shall, assure by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

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

36. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the Public Right-of-Way.

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

38. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on July 15, 2020 and [Approved Resolution Number].

Permit Type/PTS Approval No.: Conditional Use Permit No. 2280479
Date of Approval: July 15, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

NAME
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.

By _____
Dean Wilson
Owner/Permittee

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

RESOLUTION NUMBER R-

ADOPTED ON July 15, 2020

WHEREAS, on April 19, 2019, Axiom Hospitality, LLC/Dean Wilson submitted an application to the Development Services Department for a Conditional Use Permit (CUP) for the Congress Street Parking Lot Project; and

WHEREAS, the matter was set for a public to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on July 15, 2020; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 634652 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

ATTACHMENT 6

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101 or City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: _____
Denise Vo, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Conditional Use Permit

PROJECT NO. 634652

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 634652 shall be made conditions of the Conditional Use Permit as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Archaeologist, Native American Monitor

Note:

Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) #634652 and /or Environmental Document # , shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None required

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating

when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Cultural Resources (Archaeology)	Monitoring Report(s)	Archaeological/Historic Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HISTORICAL RESOURCES ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

I. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (0.25-mile radius) has been completed. Verification includes but is not limited to, a copy of a confirmation letter from South Coastal Information Center, or if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 0.25-mile radius.

B. PI Shall Attend Pre-Construction Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Pre-Construction Meeting that shall include the PI; Native American consultant/monitor (where Native American resources may be impacted); Construction Manager (CM) and/or Grading Contractor; Resident Engineer (RE); Building Inspector (BI), if appropriate; and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Pre-Construction Meeting to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Pre-Construction Meeting, the Applicant shall schedule a focused Pre-Construction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information, such as review of final construction documents that indicate site conditions such as depth of excavation and/or site graded to bedrock, which may reduce or increase the potential for resources to be present.

II. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil-disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities, such as in the case of a potential safety concern within the area being monitored. In certain circumstances, OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Sections III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSRs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If human remains are involved, the PI and Native American consultant/monitor shall follow protocol in this section.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) that has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

III. **Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off site until a determination can be made regarding the provenance of the human remains, and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98), and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. The Archaeological Monitor shall notify the RE or BI, as appropriate, the MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate Discovery Site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains are determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination to begin the consultation process in accordance with

CEQA Section 15064.5(e), the California Public Resources, and Health and Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition with proper dignity of the human remains and associated grave goods.
5. Disposition of Native American human remains will be determined between the MLD and the PI and if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; or
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC
 - (2) Record an open space or conservation easement on the site
 - (3) Record a document with the County
 - d. Upon the discovery of multiple Native American human remains during a ground-disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5(c).
- D. If Human Remains are **NOT** Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract, the following will occur:
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-construction meeting.
 2. The following procedures shall be followed:
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8 a.m. of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III, During Construction, and IV, Discovery of

Human Remains. Discovery of human remains shall always be treated as a significant discovery.

- c. Potentially Significant Discoveries
 - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III, During Construction, and IV, Discovery of Human Remains, shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 a.m. of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction:
- 1. The Construction Manager shall notify the RE or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described previously shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) that describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
 - The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
- 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.

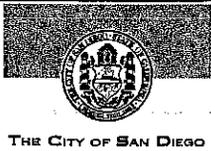
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV(5), Discovery of Human Remains.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.



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

Community Planning Committee Distribution Form Part 1

Project Name: The Congress Parking - CUP		Project Number: 634652	Distribution Date: 04/18/2019	
Project Scope/Location: OLD TOWN SAN DIEGO - (Process 3) Conditional Use Permit for the construction of new on grade parking lot with landscape for thirty three (33) standard parking spaces and two (2) ADA parking spaces for a total of thirty three (33) parking spaces with pay kiosk located at 2484 Congress Street. The 0.28 acre site is located in the OTSDPD-CORE Base Zone of the Old Town San Diego Community Planning Area. Council District 3.				
Applicant Name: Connely, Ruan			Applicant Phone Number: (619) 291-0707	
Project Manager: White, Nathan	Phone Number: (619) 446-5481	Fax Number: (619) 446-5245	E-mail Address: NGWhite@sandiego.gov	
Project Issues (To be completed by Community Planning Committee for initial review): <div style="text-align: center; font-size: 2em; font-family: cursive;">see attachment</div>				
<i>Attach Additional Pages If Necessary.</i>			Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.				



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

Community Planning Committee Distribution Form Part 2

Project Name: The Congress Parking - CUP		Project Number: 634652	Distribution Date: 04/18/2019
Project Scope/Location: OLD TOWN SAN DIEGO - (Process 3) Conditional Use Permit for the construction of new on grade parking lot with landscape for thirty three (33) standard parking spaces and two (2) ADA parking spaces for a total of thirty three (33) parking spaces with pay kiosk located at 2484 Congress Street. The 0.28 acre site is located in the OTSDPD-CORE Base Zone of the Old Town San Diego Community Planning Area. Council District 3.			
Applicant Name: Connely, Ruan		Applicant Phone Number: (619) 291-0707	
Project Manager: White, Nathan	Phone Number: (619) 446-5481	Fax Number: (619) 446-5245	E-mail Address: NGWhite@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	8		
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below			3/abstain 3/absent
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: See attachment			
NAME: Linda Acuña		TITLE: Secretary	
SIGNATURE: <i>Linda Acuña</i>		DATE: May 10, 2019	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

ATTACHMENT to Community Planning Committee Distribution Form Part 1 & 2
Project #634652

At the May 8, 2019 meeting of the Old Town San Diego Community Planning Group, the following action was taken:

“The committee recommends support for the CUP for the parking lot at Congress and Harney, as consistent with the PDO and the community plan, and with the mitigation measures proposed to decrease impacts on adjacent properties to the greatest extent possible.
(Motion passed. 8 yes, 3 abstain, 3 absent)”

The mitigation measures are attached to this page.

Submitted,

Linda Acuña, Secretary
Old Town San Diego Community Planning Group

**Mitigation Measures Designed Specifically to Address Concerns of the OTCPG and
Neighbor Minnie Bracey, 2476 Congress Street**

- 1. Temporary Use, maximum 5 yr term on permit.**
- 2. 6 ft. high concrete wall between residence and parking lot at 2476 Congress Street, blocking headlights and reducing noise.**
- 3. Offer to install double insulated windows on the north side of residence at 2476 Congress Street.**
- 4. Post signage requesting parking patrons to respect quiet enjoyment of surrounding neighbors.**
- 5. Install costly dust control pervious concrete instead of asphalt to mitigate dust issues.**
- 6. Employ parking management company to implement frequent patrols of parking lot minimizing vagrancy & potential unauthorized camping. Put a letter of Agency on file with SDPD.**
- 7. Install safety lighting which meets City of SD standards in a manner which prevents light from being directed to the south.**

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="text-align: center;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Variance
 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title: The Congress Parking **Project No. For City Use Only:** _____

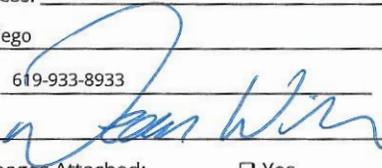
Project Address: 2484 Congress Street and 3959 Harney Street, San Diego, CA 92110

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? CA Corporate Identification No. _____
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Axiom Hospitality, LLC, Dean Wilson Owner Tenant/Lessee Successor Agency
 Street Address: P.O. Box 81676
 City: San Diego State: CA Zip: 92138
 Phone No.: 619-933-8933 Fax No.: _____ Email: axiomdevco@sbcglobal.net
 Signature:  Date: 5/12/2020
 Additional pages Attached: Yes No

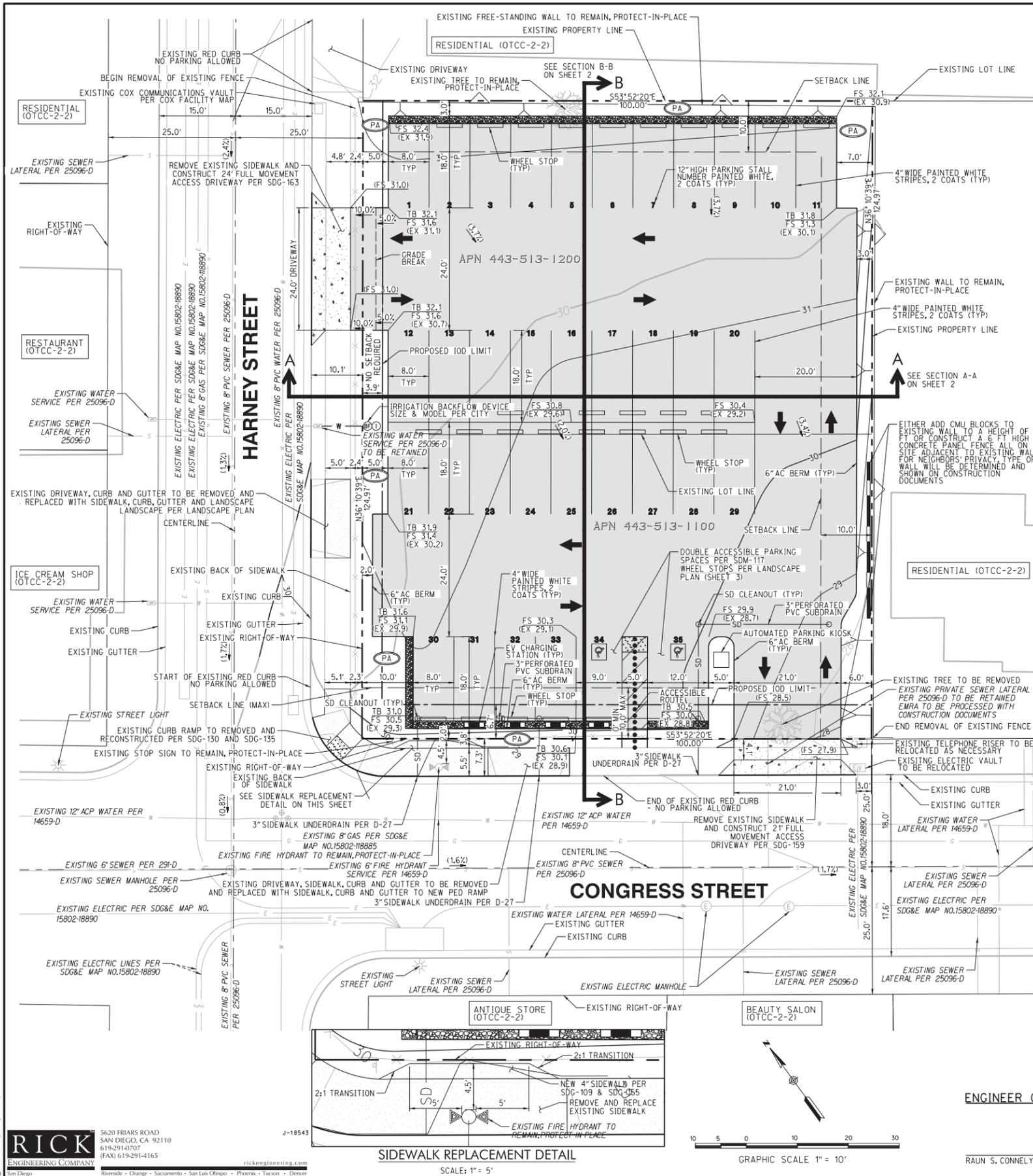
Applicant

Name of Individual: Same as Owner Owner Tenant/Lessee Successor Agency
 Street Address: _____
 City: _____ State: CA Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: Yes No

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LEGEND:

PROPOSED IMPROVEMENTS	STD. DWG.	SYMBOL
6" AC BERM (TYPE A)	-SDRS G-05	---
6" CURB	-SDRS G-01	---
STRIPING		---
SCREEN WALL		---
CONTOURS		---
GRADE BREAK		---
3" PVC STORM DRAIN W/ CLEANOUT		---
IRREVOCABLE OFFER OF DEDICATION (IOD)		---
ACCESSIBLE ROUTE		---
PARKING STALL NUMBER		---
FLOW DIRECTION AND SLOPE	1.0%	---
DETECTABLE WARNING TILES	-SDG-130	---
4" SIDEWALK	-SDG-109 & SDG-155	---
DRIVEWAY (WIDTH PER PLAN)	-SDG-159 & SDG-163	---
MODIFIED TYPE C1 CURB RAMP	-SDG-135	---
PERVIOUS PAVEMENT (LOW IMPACT DEVELOPMENT, LID)		---
LANDSCAPE COBBLE GROUNDCOVER PER LANDSCAPE PLAN		---
EV CHARGING STATION (TYPE: LEVEL 2)		---
WHEEL STOPS		---
AUTOMATED PARKING KIOSK		---
PLANTING AREA (PA)	-PER LANDSCAPE PLAN	---

EXISTING IMPROVEMENTS

PROJECT BOUNDARY	SYMBOL
EXISTING RIGHT-OF-WAY/LOT LINE	---
EXISTING SETBACK LINE	---
EXISTING CONTOURS	---
EXISTING CURB AND GUTTER	---
EXISTING FENCE	---
EXISTING WALL	---
EXISTING WATER MAIN/LATERAL	---
EXISTING SEWER MAIN/LATERAL	---
EXISTING GAS MAIN	---
EXISTING ELECTRIC LINE	---
EXISTING FIRE HYDRANT	---
EXISTING GATE VALVE	---
EXISTING STRIP MANHOLE	---
EXISTING ELECTRIC MANHOLE	---
EXISTING ELECTRIC VAULT	---
EXISTING WATER METER	---
EXISTING STREET LIGHT	---

GENERAL NOTES:

- THIS SITE PLAN INCLUDES ACCESSIBILITY PLAN
- THIS SITE HAS NO EXISTING EASEMENTS
- THERE IS NO EXISTING OR PROPOSED TRANSIT STOPS ADJACENT TO THE SITE. THE CLOSEST BUS STOP AND TROLLEY STATION ARE APPROXIMATELY 1,450 FEET NORTHWEST FROM SOUTHEAST CORNER OF THIS PROPERTY.
- THERE IS NO EXISTING OR PROPOSED BUILDING; THEREFORE, THIS PROJECT IS EXEMPT FROM ALL REQUIREMENTS RELATED TO PROJECTS PROPOSING CHANGES TO EXISTING BUILDINGS OR PROPOSING NEW BUILDINGS.
- SITE VISIBILITY AREA TRIANGLES ARE SHOWN ON SHEET 2
- OFF-SITE STREET PARKING DIRECTLY ADJACENT TO THIS SITE IS ALLOWED WHEREVER NOT MARKED AS RED CURB ON THIS PLAN
- THERE IS NO PROPOSED SETBACK LINES
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE 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.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN PART 2 CONSTRUCTION BMP STANDARDS CHAPTER 4 OF THE CITY'S STORM WATER STANDARDS.
- SEE LANDSCAPE PLAN ON SHEET 3 FOR LOCATIONS OF WHEEL STOPS
- THE PROPOSED PROJECT WILL COMPLY WITH ALL THE REQUIREMENTS OF THE CURRENT CITY OF SAN DIEGO STORM WATER STANDARDS MANUAL BEFORE A GRADING OR BUILDING PERMIT IS ISSUED. IT IS THE RESPONSIBILITY OF THE OWNER/DESIGNER/APPLICANT TO ENSURE THAT THE CURRENT STORM WATER PERMANENT BMP DESIGN STANDARDS ARE INCORPORATED INTO THE PROJECT.
- STORM WATER RUNOFF WILL DRAIN SOUTHERLY AND DISCHARGE TO EXISTING GUTTER ON CONGRESS STREET. FLOW CONTINUES SOUTHERLY IN EXISTING GUTTER ON CONGRESS STREET UNTIL IT IS INTERCEPTED INTO AN EXISTING STORM DRAIN SYSTEM ON CONDE STREET.

GRADING/EARTHWORK:

CUT: 15 CYD
 FILL: 32 CYD
 NET: 17 CYD OF IMPORT

MAXIMUM CUT DEPTH: 2.5 FT
 MAXIMUM FILL DEPTH: 1.2 FT

THIS PROJECT PROPOSES 17 CYD OF MATERIAL TO BE IMPORTED TO SITE. 6" OF POROUS CONCRETE (LID) OVER 8" LAYER OF 3/4" SIZE OPEN-GRADED GRAVEL WILL BE PLACED ON EXISTING GRADE.

ENGINEER OF WORK

RAUN S. CONNELLY R.C.E. NO. 51410 EXP: 06-2020 DATE

CITY OF SAN DIEGO DEVELOPMENT SUMMARY
 (ADDITIONAL INFORMATION FOR THE GENERAL PROJECT/PERMIT APPLICATION)

1. SUMMARY OF REQUEST
 CONDITIONAL USE PERMIT FOR:
 A. 24-HOUR VISITOR ACCOMMODATION PAY PER USE PARKING
 B. DELINEATE AND STRIPE ON-GRADE PARKING LOT CONSISTING OF 33 STANDARD PARKING SPACES AND 2 ACCESSIBLE PARKING SPACES (TOTAL OF 35 SPACES)
 C. REMOVAL OF EXISTING CHAIN LINK FENCE
 D. INSTALLATION OF LANDSCAPING AND IRRIGATION, INCLUDING THE REMOVAL ANY EXISTING INSIGNIFICANT LANDSCAPING
 E. INSTALLATION OF SOLAR POWERED PAY STATION OVER CONCRETE BASE
 F. REMOVAL AND RELOCATION OF 2 EXISTING DRIVEWAYS
 G. RELOCATION OF EXISTING ELECTRIC VAULT AND TELEPHONE RISER ON CONGRESS STREET

2. LEGAL DESCRIPTION
 THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND DESCRIBED AS FOLLOWS:
 PARCEL 1: APN 443-513-11
 THE SOUTHWESTERLY 60 FEET OF THE NORTHWESTERLY 100 FEET OF LOT 1, IN BLOCK 481 OF OLD SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 12, 1921, AND IS KNOWN AS MISCELLANEOUS MAP 40.
 PARCEL 2: APN 443-513-12
 THE SOUTHWESTERLY HALF OF THE NORTHEAST 50 FEET OF THE NORTHWEST 100 FEET OF LOT 1, AND THE SOUTHWEST 50 FEET OF THE NORTHWEST 100 FEET OF LOT 1, AND THE SOUTHWEST 25 FEET OF THE SOUTHWEST 75 FEET OF THE NORTHWEST 100 FEET OF LOT 1, AND THE NORTHEAST 25 FEET OF THE SOUTHWEST 100 FEET OF THE NORTHWEST 100 FEET OF LOT 1, ALL IN BLOCK 481 OF OLD SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP OF OLD SAN DIEGO MADE BY JAMES PASCOE IN 1870 AND NOW ON FILE IN THE OFFICE OF THE CITY OF ENGINEER OF SAID CITY.
 EXCEPTING THE SOUTHWESTERLY 60 FEET OF THE NORTHWESTERLY 100 FEET.

3. PROJECT TEAM
 RICK ENGINEERING COMPANY (ENGINEER)
 ADDRESS: 5620 FRIARS ROAD, SAN DIEGO, CA 92110
 TEL: 619-291-0707 FAX: 619-291-4165

4. SHEET INDEX

SITE PLAN	1
SITE SECTIONS	2
LANDSCAPE PLAN	3

5. OWNER/APPLICANT
 AXIOM HOSPITALITY, LLC (OWNER) DEAN WILSON (APPLICANT)
 P.O. BOX 81676 2836 JUAN STREET
 SAN DIEGO, CA 92138 SAN DIEGO, CA 92110

6. COVERAGE DATA
 TYPE OF CONSTRUCTION: TEMPORARY PARKING LOT
 SITE AREA: 12,497 SF (0.29 AC) - 100%
 TOTAL PERVIOUS ASPHALT AREA: 11,030 SF (0.25 AC) - 89%
 TOTAL LANDSCAPE/OPEN AREA: 1,467 SF (0.03 AC) - 11%
 TOTAL BUILDING AREA: N/A - NO BUILDING EXISTING OR PROPOSED

7. ZONING
 A. EXISTING ZONING:
 OLD TOWN SAN DIEGO COMMUNITY COMMERCIAL (OTCC 2-2)
 OTSDPO-CORE BASE ZONE
 (OL) SAN DIEGO UNIFIED SCHOOL DISTRICT (SDUSD)
 (OL) COUNCIL DISTRICT 3
 (OL) RESIDENTIAL TANDEM PARKING OVERLAY (RTPZO)
 (OL) AIRPORT APPROACH OVERLAY (AAOZ)
 (OL) TRANSIT PRIORITY AREA (TPA)
 (OL) SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT INFLUENCE AREA (AIA)
 (OL) AIRPORTS: FAA HEIGHT NOTIFICATION
 (OL) COMMUNITY PLAN - OLD TOWN SAN DIEGO
 (OL) OLD TOWN BUSINESS IMPROVEMENT DISTRICT (BID)
 B. PROPOSED ZONING: NO CHANGE

8. USE
 EXISTING USE: VACANT LOT
 PROPOSED USE: TEMPORARY PARKING LOT

9. EXISTING STRUCTURES
 STRUCTURE: N/A, VACANT LOT
 YEAR BUILT: N/A

10. GEOLOGIC HAZARD CATEGORY
 GEOLOGICAL HAZARD CATEGORY 53

11. OCCUPANCY CLASSIFICATION
 N/A

VICINITY MAP
 NO SCALE

PREPARED BY: RICK ENGINEERING COMPANY
 NAME: 5620 FRIARS ROAD
 ADDRESS: SAN DIEGO, CA 92110
 PHONE #: 619-291-0707 FAX: 619-291-4165

PROJECT ADDRESS:
 2484 CONGRESS STREET AND
 3959 HARNEY STREET
 SAN DIEGO, CA 92110

PROJECT NAME: THE CONGRESS

SHEET TITLE: THE CONGRESS CONDITIONAL USE PERMIT SITE PLAN

REVISION 12: _____
 REVISION 11: _____
 REVISION 10: _____
 REVISION 9: _____
 REVISION 8: _____
 REVISION 7: _____
 REVISION 6: _____
 REVISION 5: _____
 REVISION 4: 12/03/2019
 REVISION 3: 12/03/2019
 REVISION 2: 10/24/2019
 REVISION 1: _____

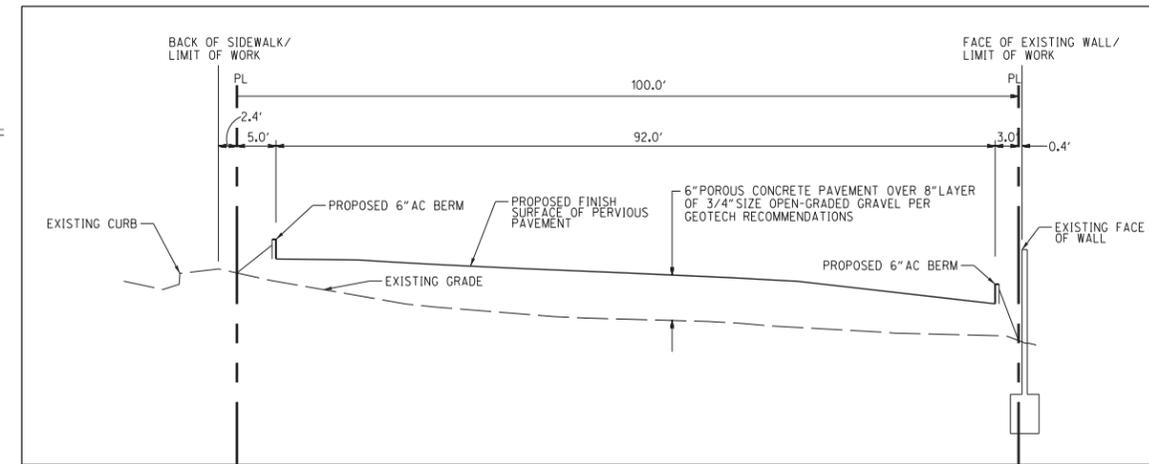
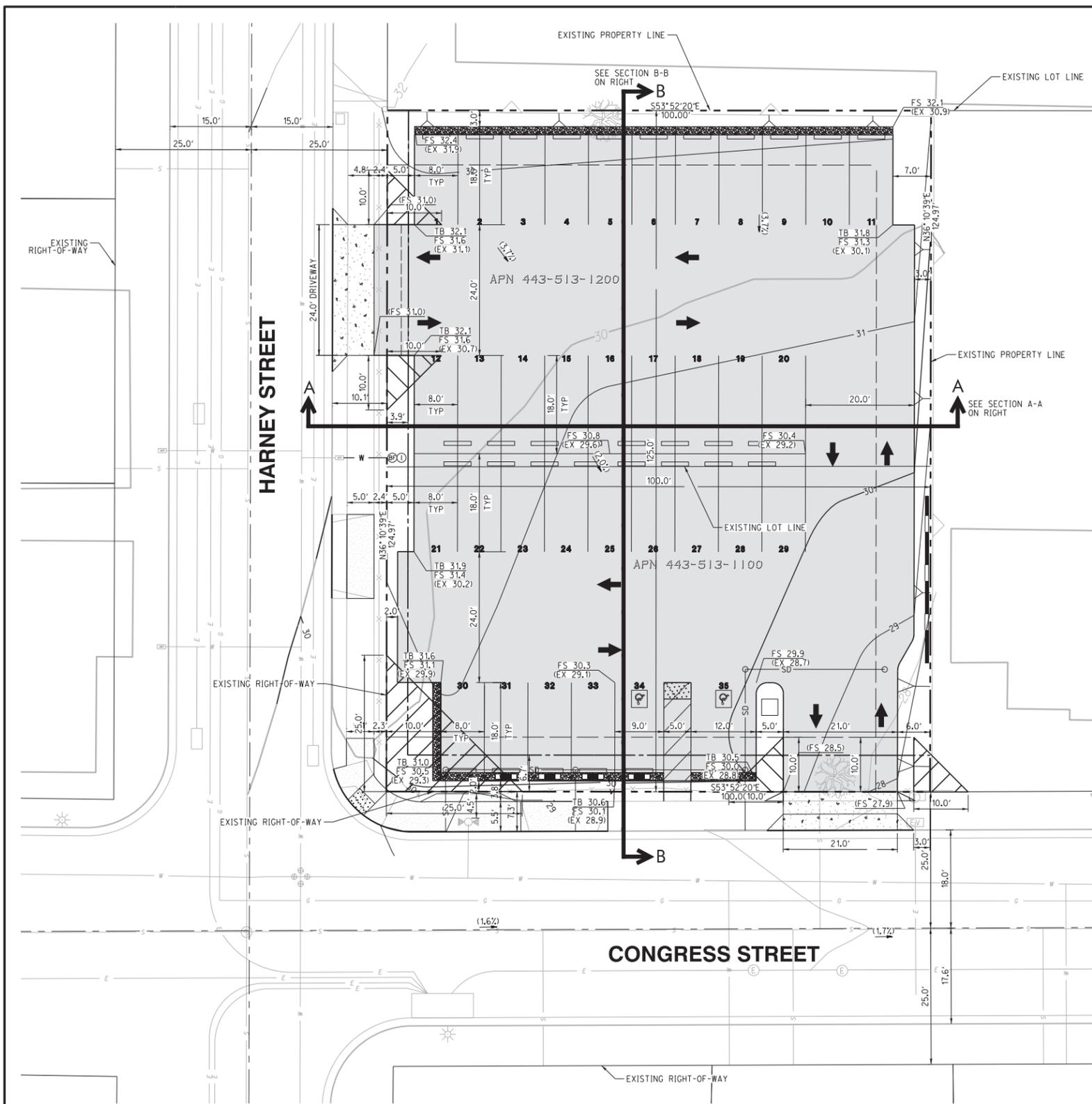
ORIGINAL DATE: 04/05/2019

SHEET 1 OF 3
 DEP # _____

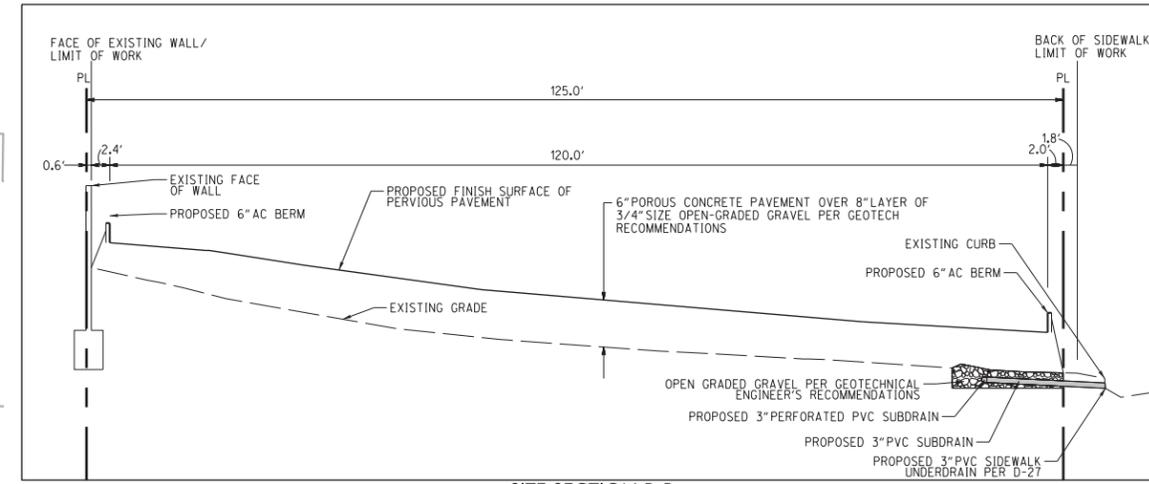
RICK ENGINEERING COMPANY
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 rickengineering.com



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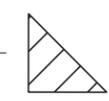
SITE SECTION A-A
NO SCALE



SITE SECTION B-B
NO SCALE

LEGEND:

SITE VISIBILITY AREA TRIANGLES



*SITE VISIBILITY AREA TRIANGLES NOTE:
NO OBSTRUCTION INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT. PER SDMC SECTION 142.0409 (b)(2). PLANT MATERIAL, OTHER THAN TREES, LOCATED WITHIN VISIBILITY AREAS OR THE ADJACENT PUBLIC RIGHT-OF-WAY SHALL NOT EXCEED 36 INCHES IN HEIGHT, MEASURED FROM THE LOWEST GRADE ABUTTING THE PLANT MATERIAL TO THE TOP OF THE PLANT MATERIAL.

ENGINEER OF WORK

RAUN S. CONNELLY R.C.E. NO. 51410 EXP: 06-2020 DATE



RICK ENGINEERING COMPANY
5620 FRIARS ROAD
SAN DIEGO, CA 92110
619-291-0707
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rickengineering.com



PREPARED BY:	RICK ENGINEERING COMPANY	REVISION 12:	
NAME:	5620 FRIARS ROAD	REVISION 11:	
ADDRESS:	SAN DIEGO, CA 92110	REVISION 10:	
PHONE #:	1619) 291-0707 FAX: 1619) 291-4165	REVISION 9:	
PROJECT ADDRESS:	2484 CONGRESS STREET AND 3959 HARNEY STREET SAN DIEGO, CA 92110	REVISION 8:	
PROJECT NAME:	THE CONGRESS	REVISION 7:	
SHEET TITLE:	THE CONGRESS CONDITIONAL USE PERMIT SITE SECTIONS	REVISION 6:	
		REVISION 5:	
		REVISION 4:	12/03/2019
		REVISION 3:	12/03/2019
		REVISION 2:	10/24/2019
		REVISION 1:	
		ORIGINAL DATE:	04/05/2019
		SHEET	2 OF 3
		DEP #	