ATTACHMENT F

LAW OFFICES

FRANK E. ROGOZIENSKI

1660 UNION STREET 4TH FLOOR SAN DIECO, CALIFORNIA 92101 (619) 237-1878 FAX (619) 237-1870

January 24, 2017

Members of the Civic San Diego Board of Directors svensk@civicsd.com

Re: 320 West Cedar Street

Dear Members:

As the owner of four properties in the same block as this proposed development, we continue to oppose its construction and urge that Design Review approval *not* be granted and approval *not* be recommended to the Planning Commission on the grounds and for the reasons stated in our letters dated October 11, 2016 [tab F, pages 23-24], November 9, 2016 [tab F, pages 1-3], January 10, 2017 [tab F, pages 5-7], January 17, 2017 [tab F, pages 1-4], and the following:

<u>Grossly inadequate parking</u>. In addition to parking for residents of the 43 micro-units (one or two persons per unit) [only 9 spaces proposed] and the \$2.82 million family residence [2 spaces proposed], parking will also be required for the persons holding the "estimated 11 permanent jobs"¹ generated for this Project [Staff Report, page 2] "plus guest parking" [Staff Report, page 7]. None of these very real additional parking requirements have been considered by Applicant and are not discussed in the Staff Report. This Project, with its proposed grossly inadequate parking should *not* be approved.

<u>Mini-Hotel</u>. In addition to the matters raised in our prior discussion of this topic [see our letter dated November 9, 2016], rental of 42 micro-units, only 9 with parking, is an ideal and compelling design for short term (vacation) rentals, who generally do not require parking. Applicant has orally stated it will *not* do short-term rentals, but has thus far declined to reduce this "promise" to writing. A written prohibition on transient use² should be imposed on this Project as a condition for any approval.

<u>No compliance with proposed encroachments on City Property - Council Policy Nos.</u> <u>700-06 and 700-18</u>. Applicant has expressed that its design incorporating patio encroachments 4 feet into City property and 4 to 8 foot encroachments into City property for subterranean parking are permitted as a "matter-of-right," and do not require any approval by the City Engineer or City

¹It is unclear whether these 11 permanent jobs are *because of*, or *in addition to* persons employed in the retail/commercial space on the ground floor.

²Transient rentals (for less than 30 days) of 42 micro-units would also comprise an impermissible commercial activity.

FRANK E. ROGOZIENSKI

Council. *Applicant is mistaken*, and the encroachments it proposes *must* first be approved in a written agreement with the City in accordance with the aforementioned City Council Policies. Applicant's Project design cannot be approved as proposed without this written consent. See also pages 1 of 3 of our letter dated January 17, 2017 [tab F, pages 1-3]

<u>No environmental review</u>. No Downtown 15168 Consistency Evaluation is attached to Staff's Report. The impact of providing off-street parking for only 9 of 42 micro-units [1 space for every 4.67 units] plus for holders of the "11 permanent jobs," "plus guest parking" cannot simply be ignored. See also pages 2-3 of our letter January 10, 2017 [tab F, pages 2-3]. Without a comprehensive EIR, this Project can*not* be approved.

Two projects. Applicant's "Project" is actually 2 projects, namely the 42 micro-units and ground floor commercial proposed to be constructed on Lot A, and the \$2.82 million residence and ground floor commercial be constructed on Lot B.³ Applicant has made certain that the existing 5,000 SF lot will be split into 2 smaller, legally separate lots, under separate record ownerships. See Applicant's A0 and A1 drawings which show the construction on Lot A is separate from the construction on Lot B. SDMC §112.0103 provides that "When an applicant applies for more than one permit, map or other approval for a single development, the applications must be consolidated for processing and shall be reviewed by a single decision maker" Here, the "development" is Applicant's proposed construction on Lot A and on Lot B. Thus, while the two projects must be "consolidated for processing," "the findings required for approval *for each* permit shall be considered individually," which has not been done here. For example, there is no affordable housing included in the development of Lot B (the \$2.82 residence), the FAR for the development of Lot A exceeds 10.1, granting exclusion from the View Corridor Setbacks and LISA envelope requirements for Lot A will not carry over to Lot B, 11⁴ (*not 9*) parking spaces are required for Lot A, etc. Accordingly approval of Applicant's Project must be denied.

Impact on the physical environment has not been considered as required by SDMC §143.0740. See page 2 of our letter dated January 10, 2017 [tab F, page 2].

<u>The historic Millard House should be preserved</u> as a historic resource of Little Italy See page 2 of our letter dated October 11, 2016 [tab F, page 24] and page 2-3 of our letter dated November 9, 2016 [tab F, pages 2-3].

Design issues. See pages 1-2 of our letter dated October 11, 2016 [tab F, pages 23-24], pages 1-2 of our letter dated November 9, 2016 [tab F, pages 1-2], pages 1-2 of our letter dated January 10, 2017 [tab F, pages 5-6] and page 1 of our letter dated January 17, 2017 [tab F, page 1].

Applicable DCP goals and policies. Applicant's Project does not meet the applicable DCP

³Applicant has stated the original inclusion of the ground floor of Lot B as having a bathroom, tub, kitchen, bed, separate entrance and other elements of an additional living unit "was an error."

 $^{4[42 \}text{ units x } 0.5 \text{ space per unit}] \times 50\% = 11 \text{ spaces}$

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goals and policies of "Maintaining Little Italy's sunny, open atmosphere as well as the traditional and eclectic urban texture is accomplished through building height restrictions, volumetric controls, and the encouragement of multiple buildings per block" [Staff Report, page 3].

For each of the reasons stated, Applicant's design can*not* be approved and approval should *not* be recommended to the Planning Commission.

Respectfully,

Frank E. Rogozienski

FER:smb

FRANK E. ROGOZIENSKI

1660 UNION STREET 4TH FLOOR SAN DIEGO, CALIFORNIA 92101 (619) 237-1878 FAX (619) 237-1870

January 17, 2017

Members of the Downtown Community Planning Counsel svensk@civicsd.com

Re: 320 West Cedar Street

Dear Members:

As the owner of four properties in the same block as this proposed project, we continue to oppose its construction and urge that Design Review approval *not* be granted and approval *not* be recommended to the Planning Commission on the grounds and for the reasons stated in our letters dated October 11, 2016 [tab F, pages 23-24], November 9, 2016 [tab F, pages 1-3], and the following:

Overview of Applicant's Project. Applicant proposes to demolish the historic Oscar M. Hillard House and its multiple dwelling units, to subdivide the existing 5000 SF lot into Lot A of approximately 3260 SF and Lot B of approximately 1740 SF, to construct an 8 story mixed use 93 feet in height micro-apartment building on Lot A, and a \$2.82 million family residence on Lot B. In order to do this, Applicant's design extends beyond the property lines on two sides into property of the City of San Diego. It also seeks to apply two incentives to avoid both the View Corridor and LISA setback requirements to retain a substantially greater mass and a "shoebox on end," flat-face look, antagonistic to the look and feel of Little Italy. Applicant proposes to construct 42 micro-unit apartments on a 3260 SF Lot A, and a \$2.82 million residence (which is clearly *not* affordable housing) on a 1740 SF Lot B. Applicant intends to sell the \$2.82 million residence on Lot B upon its completion, and to retain the micro-unit apartments on Lot B. The resultant mass, scale and height of the Project is *not* compatible with its neighborhood context.

<u>Subterranean parking encroachments</u>. Applicant's revised plans now incorporate subterranean parking which extends beyond Applicant's property lines and encroaches into City of San Diego property and the public right-of-way. Applicant intends to encroach, *for its sole and exclusive use*: (a) eight feet into City property on the Cedar Street side of the property, and (b) four feet into City property on the Union Street side, a total basement floor area of almost 1,000 square feet. (See Applicant's drawing A0.9]¹ and a 20% expansion beyond the boundaries of the property owned by Applicant. This gratuitous inclusion of the use of City property for the *private profit* of Applicant *has not been authorized* by the City of San Diego as required by City of San Diego, Council Policy No. 700-06, "Encroachments On City Property" and Council Policy No. 700-18, "Underground Structures Within the Right Of Way." Accordingly, *only if and when* such written

 $^{1}(8 \text{ feet x } 108 \text{ feet } - 832 \text{ sf}) + (36 \text{ x } 4 - 144 \text{ sf})$

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authorization is granted by the City of San Diego, might Applicant's proposed Project be considered incorporating the proposed basement parking.

No compliance with Encroachments on City Property. Council Policy 700-06. "It is the City's policy that encroachments for private use and enjoyment are not appropriate on City property and may not be authorized ... Examples are ... walls, decks ..." [Section IV B of San Diego Council Policy No. 700-06, Encroachment on City Property," effective May 24, 1999]. Section IB1 provides "The City may grant authorization for encroachment on its property if it is determined by the responsible department that the requested action ... would not be detrimental to the City's property interests ... and would otherwise be prudent and reasonable." "Detrimental" is defined as "causing any of the following: ... a hazardous or potentially hazardous condition, a potential public liability (including economic); causing any other situation or condition which is not in the City's best interest"). Section I C provides that "It is the City's policy that permission to encroach on City property may be granted only by written encroachment authorization." Here, Applicant's Project encroaches on City property with "private patios" along both Cedar and Union Streets for each of the 2.82 million family residence and 37 of the micro-units, and end-cap walls for these dwelling units. Staff's report contains no findings, written encroachment authorization or other discussion regarding this encroachment on City property. This massive encroachment is exacerbated by Applicant's proposed use of Incentive #1 to avoid compliance with the view corridor setbacks and stepbacks along Cedar Street and Incentive #2 to avoid the Little Italy Sun Access Overlay along Cedar Street. Non-compliance with the View Corridor Setbacks and Stepbacks permits Applicant to avoid having a 15 foot setback for the upper three levels of the apartment building, and allows Applicant's Project to extend into the View Corridor to a full height of 93 feet [see Staff Report pages 8-9]. It also means that the micro-units which are allowed to remain in this 15 foot View Corridor Setback will continue to encroach onto City property. Stated differently, if Applicant complied with the View Corridor Setbacks and Stepbacks, the encroachment into City property of these setback units would be eliminated. Non-compliance with the LISA Overlay permits Applicant to avoid having a 15 foot setback above a height of 50 feet and avoid limitations which would result in an 85 foot tall building with a maximum width of 40 feet (instead of Applicant's proposed design of an apartment building 93 feet in height by 62 feet wide) [see Staff Report page 8]. It also means that the micro-units which are allowed to remain in the LISA Overlay will continue to encroach onto City property. Stated differently, if Applicant complied with the LISA Overlay, the encroachment into City property of these setback units would be eliminated.

Non-compliance with View Corridor Setbacks not warranted. As noted on page 8 of Staff's Report, "As designed, [Applicant's proposed] building *fully encroaches* into the View Corridor to a height of 93 feet." Staff further notes that "In the past, deviations under a planned development permit for encroachment into View Corridors have only been supported if the View Corridor is already obstructed by one or more existing buildings," and here there are no existing obstructing buildings mentioned in Staff's Report. Nevertheless, *without any factual analysis*, Staff recommends non-compliance "to achieve greater density thereby making it more cost-efficient" which Staff summarily concludes, *again without any financial data or analysis*, that "the resulting cost-efficiencies incentivize the development of the five affordable housing units." These conclusionary statements (provided to Staff by Applicant) are *not* sufficient to grant non-compliance with View Corridor Setbacks in this instance.

Overhang above public sidewalk. *In addition to* the "encroach[ment] into the view corridor along Cedar Street to accommodate greater mass and increased density" *and in addition to* "encroach[ment] outside of the LISA building envelope limits also along Cedar Street [also] to accommodate greater mass and increased density" [Staff Report pages 8-9], Applicant proposes to further encroach along Cedar and Union Streets by extending 37 private balconies on Cedar and Union Streets *four feet beyond the property line* into the area above the public sidewalks [Applicant's Second to Eighth Floor drawings A1.1 to A1.7]. Staff provides no justification for this latter, gratuitous encroachment into City property, which affords Applicant private, sole, no-cost use of this valuable space to generate additional profits from renting these micro-apartments and sale of the \$2.82 million sf residence.² Applicant's design extending beyond the property line encroaching into City property should not be approved.

Demolition of existing living units (the Oscar M. Millard house). By email to Applicant dated December 6, 2016, Staff notes that "we need confirmation that the previously existing unit(s?) above the commercial space were <u>illegal</u> or we will have issues with replacing housing, etc." It is undisputed that persons were residing in the second floor living spaces of the historical Oscar M. Hillard House. See Applicant's layout of the second floor which shows cable tv, telephone, SDG&E with multiple electric meters and multiple off-street parking spaces [Applicant's drawing T1.1]. Absent *facts* to the contrary, of which there are none, it must be assume this residential use was legal. In the copy of the file provided to us, there is no further discussion of this issue, which should be resolved *prior to* acting upon Applicant's application. Without this resolution, Applicant's proposed Project should *not* be approved.

<u>Commercial or residential?</u> In our opposition by letter to DCPC dated November 9, 2016, we pointed out that Applicant's plans dated November 2, 2016 [see Drawing A0.0] reveal what is described by Applicant as commercial space below the \$2.82 million family residence has a full kitchen, bathroom with a tub, bedroom and its own patio and access to the street, i.e., a second living unit. We also pointed out how the 42 studio units are so small that they have a kitchen and bathroom (toilet, etc.) which open and face to each other. Sensitive to this revelation, when asked for revised drawings, Applicant replied: "not a problem. you will have revised drawings by then, we will not be showing any furniture, plumbing fixtures etc in this next round. they will be empty spaces *and it is none of their business how we layout the units*" [See email dated November 18, 2016]. Accordingly, Applicant's most recently revised drawings exclude information relevant to design of

²The encroaching, private patios are touted as a particularly desirable feature of the \$2.82 million residence.

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its Project. Applicant's application should be deemed incomplete, and Applicant should be required to provide *all* relevant information.

Respectfully,

Frank E. Rogozienski

FER:smb

enc.: Our opposition letter dated January 10, 2017 which was not attached as a part of Staff's Report for this hearing.

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FRANK E. ROGOZIENSKI

1660 UNION STREET 4TH FLOOR SAN DIEGO, CALIFORNIA 92101 (619) 237-1878 FAX (619) 237-1870

January 10, 2017

Members of the Civic San Diego Board svensk@civicsd.com

Re: 320 West Cedar Street

Dear Members:

As the owner of four properties in the same block as this proposed project, we continue to oppose its construction and urge that Design Review approval *not* be granted and approval *not* be recommended to the Planning Commission on the grounds and for the reasons stated in our letters dated October 11, 2016 [tab F, pages 23-24], November 9, 2016 [tab F, pages 1-3], and the following:

Design issues. Applicant currently proposes to develop an approximate 5,000 square foot lot with 43 dwelling units, including a single-family home. To achieve this, Applicant proposes an 8 story, 93 foot tall residential building, and a 5 story home. Applicant proposes to further subdivide the 5,000 square foot lot, creating an approximate 3,100 square foot lot for the apartment building, and the balance as the lot for the single-family home. To enhance its profit, Applicant proposes a ground floor of commercial space. Applicant proposes to build to the property lines, i.e., with no setbacks. Applicant proposes to sell the single-family home immediately upon completion of its construction (estimated to be in twelve months) for \$2,600,000, and to retain the apartment and commercial spaces. Applicant proposes only eleven parking spaces, of which two are assigned to the single-family home, ¹ leaving the remaining nine spaces to serve the 42 apartment units (a 5:1 ratio of 5 units per single parking space, and no guest parking). Applicant proposes to achieve this grossly inadequate parking by designating five of the *smallest, least desirable, borderline habitable* living units (358 square foot studio apartments, in the East stack) for very low income residents, and *not providing for any guest parking*.² The total absence of required guest parking is not addressed by Applicant or in the Staff Report.

Staff states it supports the incentives (provided by SDMC Section 143.0740) based on what it claims is its inability to make the findings set forth in SDMC Sections 143.0720 and 143.0725.

¹Applicant describes this as having two bedrooms; however Applicant's plans show three bedrooms, requiring an additional parking space not discussed by Applicant or in the Staff Report.

²Applicant proposes to apply both "a Floor Area Ratio [FAR] bonus of 35% [*and*] a reduction in parking requirements from the 1.0 parking space/unit *plus guest parking* to a ratio of 0.5 parking spaces/bedroom (maximum of 1.0 space/unit)."

FRANK E. ROGOZIENSKI

Staff correctly points out that design of the Project, including the use of these incentives, is nevertheless subject to Design Review approval [Staff Report, p. 9]. We submit that Applicant's design of a massive, 91 foot tall rectangular buildings, is not a suitable design for Little Italy, and especially this location. The lots on Union Street, of which Applicant's is one, are almost all 5,000 square foot in size, and have historically been single-family residences. Applicant's proposed development is *dramatically* out of character with these existing residences. In fact, construction in this area, e.g., 1632 Union Street, has meticulously maintained the look and feel of Little Italy. Applicant's proposed Project removes the single-family structure existing on Applicant's lot, and replaces it with a 91 foot tall, *ultra* high density "shoe box" turned on end. See attached East Elevations provided by Applicant. If Applicant is allowed to proceed as proposed, then so also should owners of the other 5,000 square foot lots in this 1600 block of Union Street. The resultant "wall of buildings" will completely change the character, look and feel of what is Little Italy, *and serve as precedent for others to follow*. Applicant's proposed Project is simply *not* in keeping with a well-designed residential development that is consistent with the orderly growth and scale of its Little Italy neighborhood. Applicant's proposed design should *not be approved*.

Impact on the physical environment. Per SDMC 143.0740, Applicant is requesting that two incentives be used for two deviations³ requested by the Project. Staff states these must be granted because, according to Staff, there is no "substantial evidence, of any of the following: ... (B) The incentive would have a specific adverse impact upon public health and safety ..., [or] the physical environment ... [and] for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low income and moderate income households" [Staff Report, p. 7]. Staff states that "the incentives must be granted because "Staff did not find any substantial evidence that the incentive would (1) not be required to provide for affordable costs; (2) adversely affect public health or safety; and (3) would be contrary to State [or] Federal law" [Staff Report, p. 7]. However, Staff does not address the circumstance, applicable here, that the incentive would have a specific adverse impact upon "the physical environment." Here, among other impacts, Applicant's design, which dumps between 33 (one occupant per dwelling unit) and 75 (two occupants per dwelling unit) additional cars onto the streets of Little Italy searching daily to find off-street parking clearly adversely impacts the physical environment. Where off-street parking is already at a premium for restaurants and other commercial businesses, this proposed Project will greatly exacerbate an already overwhelming situation. In any event, to grant approval of a CCPDP, Staff must consider whether the proposed development will be detrimental to the physical environment, which has not as yet been done.

<u>No environmental review</u>. The Staff Report states that "consistent with best practices suggested by Section 15168, a Downtown 15168 Consistency Evaluation ("Evaluation") has been completed for the project ... (which) concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and that none of the conditions listed in Section 15162 exist. Therefore, no further environmental documentation is required under

 $^{^{3}}$ CCPDO Section 156.031(d)(1)(F) View Corridor Setbacks and Stepbacks; and CCPDO Section 156.0310(c)(1)A (encroachment outside of the LISA building envelope limits.

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CEQA." No back-up materials are provided for this statement, which, it is submitted, is *not adequate*, and most likely, *not correct*. The impact of providing off-street parking for only 9 of the 42 studio units [only 4.8%] cannot be ignored. The environmental impact of injecting up to 75 cars⁴ which must drive around in the daily search to find on-street parking should be considered *before* approval of this Project.

<u>Community opposition</u>. Attached to the Staff Report are *numerous* written oppositions to this Project. Despite this, to our knowledge, Staff has never contacted any of the authors of these oppositions, and has worked *exclusively* with Applicant in design of the Project, *to the exclusion of other interested parties*. As a result, we have been given limited time to review the file for the Project, and to analyze Applicant's proposed Project.

The Key Marston Association (KMA) analysis appears to be based upon material misinformation, including:

(a) a Base Project of "35 efficiency units" [KMA Report, p. 1] instead of Applicant's proposed 42 such dwelling units; and

(b) "Base Project with Parking Garage - Base Project with a *two-story* below grade parking garage" [KMA Report, p. 2] instead of Applicant's proposed single-story below grade parking.

Economic Feasibility. According to The London Group's economic analysis, alternative number 3, to build the base project, and relocate and rehabilitate the existing historical Millard House, results in a profit to Applicant of \$980,869" [Staff Report, p. 18]. Thus, this alternative can*not* reasonably be said to be "economically infeasible." And while this alternative may be less profitable to Applicant than simply destroying the historic Millard House, it is *not justification* for failing to preserve this historical element of Little Italy. Moreover, this demonstrates by the hand of Applicant's chosen expert, The London Group, that any economic infeasibility⁵ of this Project is *not* caused by the cost of including affordable housing.

I regret being unable to be present at the Design Review meeting, but nevertheless request you consider our written opposition.

Respec Frank E. Rogozienski

FER:smb enc.

⁵"The incentive is not required in order to provide for affordable housing costs ..." [SDMC 143.0740[A], Staff Report, p. 18].

⁴43 Living Units x 2 persons per Living Units, *minus* 9 off-street spaces = 75 vehicles without off-street parking.



EAST ELEVATION 1"=30'

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320 West Cedar 320 West Codar Street San Diego CA 92101 JOULTINN SEGUL FM 2000 Uper Street Suite 101 San Diego, CA 12164

EAST ELEVATION UNION STREET



REVISION 2

Sorry, I'm late responding, but, still voice my objection- units need parking space. Regards, Gail Roberts 1601 India St. 619 942-2093 Sent from my iPhone Hello! Below are my concerns which I would like to have voiced at the next meeting regarding the 320 Cedar development. Thank you!

To Whom It May Concern,

I am writing as a long-term Little Italy property owner and resident who is concerned over the massive growth over the last few years and who is most concerned about this proposed development on 320 Cedar. Thank you for allowing me to voice my opinions.

We are all aware that we live in a desired neighborhood and in a large city and that growth is inevitable. But after the last few developments, it's time we say "enough is enough" to these massive (often rent only) buildings, most of which occupy way too many people in small spaces, do not provide adequate parking for residents, and which result in the destruction of the historic buildings that once made this neighborhood so charming. 320 Cedar is yet another one of these developments.

The changes that have been made to this neighborhood have kept the interests of large corporations and investors into account, but the effects on us residents and home owners most certainly haven't been. We have watched as our neighborhood went from a place with charming buildings, old restored homes to a place with giant, block-sized structures. We have watched the neighborhood become inundated with renters in these large complexes: renters who do not value the neighborhood as they have not invested in it like us homeowners have. I walk around and ask myself, "What's so 'little' about Little Italy anymore?"

There is no parking. The sea views are gone. The traffic is horrendous. We live in a construction zone. The smell of dog urine on the streets is disgusting. This is the new "Little" Italy, and it's only going to become worse if we move ahead with this complex. I ask you to think long and hard of the advantages of this project and, for once, take into consideration the opinions of those who actually live here and have invested into this community. Enough is enough: keep Little Italy little.

With grave concern,

Amanda Jones LI Resident and Owner

Hello~

I am writing to address my concerns with the proposed development of the property at at 320 West Cedar. I am a resident in Little Italy and have lived here over three years, I love this neighborhood and am proud to call it home. However, during this time I have seen the area becoming increasingly congested with traffic and development, and begin to lose its neighborhood charm that came from historic structures and original street scapes that didn't feel like a downtown city.

In my time here it feels like the building has been non-stop and it doesn't improve life for residents. I understand that a popular area will continue to develop, but is seems to be happening with little consideration of what made it unique, when it could be developed in a way that adds value to the neighborhood with each addition, rather than detracting from it.

Here are my concerns with the proposed development...

1. They want to demolish a historic structure which will impact everyone and something that is irreplaceable will be lost forever. Little Italy is not East Village. These are not warehouses that are being torn down and replaced with megaapartments. These are buildings that are a part of San Diego history and are what make this neighborhood unique.

2. Parking: The fact that the city would allow 34 units without parking is patently ridiculous in a neighborhood that already already known for a severe parking shortage. It makes it difficult for friends and family of Little Italy residents to visit. I have had friends who have circled the neighborhood for 20 minutes before just giving up and going home in frustration. When I first looked at the unit where I live I was able to find street parking right in front of my building no problem. Now, good luck!

Adding a few affordable units doesn't make this lack of parking ok! Parking is a necessity in San Diego, our public transportation if far from sufficient to allow residents to be car free, lets not pretend otherwise because its convenient for developers. I have a friend who lived in an affordable housing complex downtown, and all of them (of course) had cars and needed parking. The residents of this proposed complex will have cars, and will need parking.

It is commonplace to find cars parked in red zone, in fire lanes, and in front of our garage entrance. This complex will only add to this problem.

3. The density of 43 units on 5000 SF is too much for our neighborhood. Again, this isn't Gaslamp and most residents selected to live here because it was quieter, more

upscale and not so rowdy and congested.

The congestion on the streets has increased exponentially in the time I've lived here. As a result of our street being converted to a one way, the closing of Date to cars, and the TWO valet stands that operate on India between Fir and Grape it can take me over 10 minutes just to get off my block. This is not ok. The city can't allow continuous development in an area where the streets and infrastructure don't support that density.

Thank you for you time and consideration, from a concerned neighbor,

Megan

--Megan Pucak <u>megpucak@gmail.com</u>

Save A Tree - Please do not print this email unless you really need a 'hard' copy, the earth thanks you!

From: Anne Cornetta [mailto:acornetta@gmail.com] Sent: Wednesday, January 11, 2017 9:25 AM To: Christian Svensk Subject: 320 Cedar - Little Italy Complaint

To whom it may concern,

As a resident and property owner of Little Italy I am concerned about the proposed 320 Cedar residence development and the impact it will have on our fabulous neighborhood.

While I am a supporter of a thriving, growing community and understand the need for neighborhood evolution, this project with, lacking ample parking, seems counterproductive as compared with the efforts the Little Italy Association has made to benefit the community for all visitors and residents.

A simple data pulls shows most residents (93%) living in the 92101 zip code fall under 1 of 3 socio-economic categories - having a household income of :

\$50,000 - \$74,000

\$75,000 - \$99,000

\$250,000+

93% of people in the above 3 economic groups own/lease a vehicle. Statistically, then I would assume most, if not all, residents of the 320 development will bring a vehicle with them to this property.

Public transportation usage? Well, sadly it is even lower among the above groups (especially in San Diego). A building supporting a "green lifestyle" could be great someday, with supporting services and appropriate resident groups. Unfortunately, at this time, I believe the negative impact of the property and it's lack of adequate parking would outweigh any benefits (aside from those the Developer would see). Seeing visitors "opt out" of dining, shopping or visiting Little Italy because of parking woes seems sadly on our horizon. Thanks in advance!

From: Peter Abadeer [mailto:pabadeer@gmail.com] Sent: Monday, January 09, 2017 4:41 PM To: Christian Svensk Subject: 320 W. Cedar Project

To all involved in the decision making process for 320 W. Cedar:

I am a property owner and resident the Little Italy neighborhood. I am writing to you to register my protest to the aforementioned project. Allowing 34 units to be built with no parking spaces provided is ludicrous given the current parking issues Little Italy already faces. The claim that the residents will not have cars is absurd. San Diego does not have a robust public transportation. Almost all my neighbors own one or more cars! A perfect example of this is that Cars2go ceased its operations in San Diego (<u>http://tinyurl.com/zumqfdb</u>). The residents of this project will be no different. Just because these types of projects work in other cities that have adequate public transportation does not mean it will work in a city that does not offer that option.

In conclusion, a few people, most importantly the developer, will benefit from this project. Multiple variances have been requested, all because of only five affordable units - which wouldn't make a dent in the city's lack of affordable units issues. The developer will sell and be long gone, but residents of the neighborhood will be adversely impacted for perpetuity.

Peter Abadeer

1501 India Unit 509

617 835 9576

From: elizabeth [mailto:epietanza@hotmail.com] Sent: Monday, January 09, 2017 4:29 PM To: Christian Svensk Subject: 320 West Cedar

Concerns re: proposed development at 320 West Cedar.

I understand this project proposes taking away a historical victorian and replacing it with 34 units with no parking. I'm a property owner (Village Walk) and former frequenter of Little Italy. I'd love to keep going but the parking issue has kept me from visiting Little Italy as often as I'd like. Also, our tenants in Little Italy complain so much about lack of parking for guests that I believe the issue is leading to a higher turnover rate for our tenants.

It appears extremely short-sighted to build 34 units with no parking. To believe that residents won't have cars is absurd. People cannot afford to uber or lyft everywhere for all purposes and there is no significant public transportation nor adequate shopping in the downtown/Little Italy for life's necessities. For my unit I have only one parking space (another short-sighted decision by the developer) and all my tenants have had two cars. Luckily we've been always able to rent a second space but it is becoming much more difficult and much more expensive to do so.

Please spare our neighborhood from the continued onslaught of units without other foresight. While I wish we all had less cars and better public transportation, that is simply not the case in this city. Nor will it be for at least decades to come, if ever.

Thank you, Elizabeth Pietanza From: Carol Pucak [mailto:cpucak@gmail.com] Sent: Monday, January 09, 2017 11:41 AM To: Christian Svensk Subject: Letter re: 320 W Cedar

Hi Christian,

I am copying the letter I wrote re: this project into this email but also will attach it if that makes it easier for you.

To all involved in the decision making process for 320 W. Cedar:

I am a property owner and frequent visitor to the Little Italy neighborhood. I fell in love with the old buildings, views of the bay, great restaurants and sunny streets. In the years since I first saw the area it has changed dramatically. Historically significant properties have been demolished in favor of large residential complexes, views have been obstructed, sidewalks are shadier and parking is a nightmare.

In essence, we are fouling our own nest. What people love about Little Italy will be again, diminished if this project is allowed. Increasing density does not increase quality of life for residents. Too many pets with few dog parks, too many cars circling for parking, too much noise and construction all add to a more stressful life.

1. A historical building will be demolished, based on, from my readings of the plan, only the economics of the owner and developer. Since when should these be reasons for a historical property to be eliminated.

2. An eight story building is out of scale for this site. Variances of the Little Italy Sun Access Overlay and the View Corridor variances are not acceptable.

3. Parking requirements have been waived because of five (5) affordable units. My understanding of the regulations still require .05 parking spaces per bedroom plus guest parking. I am confused that 11 parking spaces, 2 which will be for the single family unit, meet even this minimum requirement.

The parking issue has kept many from visiting Little Italy. As a frequent guest we often have to park in areas necessitating walks under the under passes, which, due to the homeless situation is not only unsafe but disgusting. Allowing 34 units to be built with no parking spaces provided is ludicrous. The claim that the residents will not have cars is absurd. San Diego has no significant public transportation nor is there adequate shopping in the downtown/Little Italy for life's necessities. I know a great deal of the young people in Little Italy and they all have cars! A perfect example of this is that Cars2go plans to shut down in San Diego for lack of use. The residents of this project will be no different. Just because these types of projects work in other cities that have adequate public transportation does not mean it will work in a city that does not offer that option.

In conclusion, a few people, most importantly the developer, will benefit from this project. Multiple variances have been requested, all because of only five affordable units. The developer will sell and be long gone, but residents of the neighborhood will be adversely impacted for perpetuity.

Carol Pucak

#601 W. Fir #401

cpucak@gmail.com

From: Doemoni Eynon [mailto:doemoni@cox.net] Sent: Monday, January 09, 2017 8:37 PM To: Christian Svensk Subject: 34 Units With No Parking

This is a terrible idea, and not feasible for our community. Bad planning. Doemoni

From: Kevin McCoy [mailto:kfmccoy1@yahoo.com]
Sent: Wednesday, January 04, 2017 7:23 PM
To: Christian Svensk
Subject: Fw: 320 W. Cedar Project meeting reminder

Christian,

I can't make the meeting, but I am 100% opposed to any project in Little Italy that doesn't have at least a 1x1 parking/unit minimum.

Our parking is horrible over here already and to have all these extra units without parking is shortsighted.

Thank you for your consideration.

Kevin McCoy

425 W Beech #232

SD, CA 92101

FRANK E. ROGOZIENSKI

1660 UNION STREET 4TH FLOOR SAN DIEGO, CALIFORNIA 92101 (619) 237-1878 FAX (619) 237-1870

January 10, 2017

Members of the Civic San Diego Board svensk@civicsd.com

Re: 320 West Cedar Street

Dear Members:

As the owner of four properties in the same block as this proposed project, we continue to oppose its construction and urge that Design Review approval *not* be granted and approval *not* be recommended to the Planning Commission on the grounds and for the reasons stated in our letters dated October 11, 2016 [tab F, pages 23-24], November 9, 2016 [tab F, pages 1-3], and the following:

Design issues. Applicant currently proposes to develop an approximate 5,000 square foot lot with 43 dwelling units, including a single-family home. To achieve this, Applicant proposes an 8 story, 93 foot tall residential building, and a 5 story home. Applicant proposes to further subdivide the 5,000 square foot lot, creating an approximate 3,100 square foot lot for the apartment building, and the balance as the lot for the single-family home. To enhance its profit, Applicant proposes a ground floor of commercial space. Applicant proposes to build to the property lines, i.e., with no setbacks. Applicant proposes to sell the single-family home immediately upon completion of its construction (estimated to be in twelve months) for \$2,600,000, and to retain the apartment and commercial spaces. Applicant proposes only eleven parking spaces, of which two are assigned to the single-family home,¹ leaving the remaining nine spaces to serve the 42 apartment units (a 5:1 ratio of 5 units per single parking space, and no guest parking). Applicant proposes to achieve this grossly inadequate parking by designating five of the *smallest, least desirable, borderline habitable* living units (358 square foot studio apartments, in the East stack) for very low income residents, and *not providing for any guest parking*.² The total absence of required guest parking is not addressed by Applicant or in the Staff Report.

Staff states it supports the incentives (provided by SDMC Section 143.0740) based on what it claims is its inability to make the findings set forth in SDMC Sections 143.0720 and 143.0725.

¹Applicant describes this as having two bedrooms; however Applicant's plans show three bedrooms, requiring an additional parking space not discussed by Applicant or in the Staff Report.

²Applicant proposes to apply both "a Floor Area Ratio [FAR] bonus of 35% [*and*] a reduction in parking requirements from the 1.0 parking space/unit *plus guest parking* to a ratio of 0.5 parking spaces/bedroom (maximum of 1.0 space/unit)."

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Staff correctly points out that design of the Project, including the use of these incentives, is nevertheless subject to Design Review approval [Staff Report, p. 9]. We submit that Applicant's design of a massive, 91 foot tall rectangular buildings, is not a suitable design for Little Italy, and especially this location. The lots on Union Street, of which Applicant's is one, are almost all 5,000 square foot in size, and have historically been single-family residences. Applicant's proposed development is *dramatically* out of character with these existing residences. In fact, construction in this area, e.g., 1632 Union Street, has meticulously maintained the look and feel of Little Italy. Applicant's proposed Project removes the single-family structure existing on Applicant's lot, and replaces it with a 91 foot tall, *ultra* high density "shoe box" turned on end. See attached East Elevations provided by Applicant. If Applicant is allowed to proceed as proposed, then so also should owners of the other 5,000 square foot lots in this 1600 block of Union Street. The resultant "wall of buildings" will completely change the character, look and feel of what is Little Italy, *and serve as precedent for others to follow*. Applicant's proposed Project is simply *not* in keeping with a well-designed residential development that is consistent with the orderly growth and scale of its Little Italy neighborhood. Applicant's proposed design should *not be approved*.

Impact on the physical environment. Per SDMC 143.0740, Applicant is requesting that two incentives be used for two deviations³ requested by the Project . Staff states these must be granted because, according to Staff, there is no "substantial evidence, of any of the following: ... (B) The incentive would have a specific adverse impact upon public health and safety ..., [or] the physical environment ... [and] for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low income and moderate income households" [Staff Report, p. 7]. Staff states that "the incentives must be granted because "Staff did not find any substantial evidence that the incentive would (1) not be required to provide for affordable costs; (2) adversely affect public health or safety; and (3) would be contrary to State [or] Federal law" [Staff Report, p. 7]. However, Staff does not address the circumstance, applicable here, that the incentive would have a specific adverse impact upon "the physical environment." Here, among other impacts, Applicant's design, which dumps between 33 (one occupant per dwelling unit) and 75 (two occupants per dwelling unit) additional cars onto the streets of Little Italy searching daily to find off-street parking clearly adversely impacts the physical environment. Where off-street parking is already at a premium for restaurants and other commercial businesses, this proposed Project will greatly exacerbate an already overwhelming situation. In any event, to grant approval of a CCPDP, Staff must consider whether the proposed development will be detrimental to the physical environment, which has not as yet been done.

<u>No environmental review</u>. The Staff Report states that "consistent with best practices suggested by Section 15168, a Downtown 15168 Consistency Evaluation ("Evaluation") has been completed for the project ... (which) concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and that none of the conditions listed in Section 15162 exist. Therefore, no further environmental documentation is required under

³CCPDO Section 156.031(d)(1)(F) View Corridor Setbacks and Stepbacks; and CCPDO Section 156.0310(c)(1)A (encroachment outside of the LISA building envelope limits.

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CEQA." No back-up materials are provided for this statement, which, it is submitted, is *not adequate*, and most likely, *not correct*. The impact of providing off-street parking for only 9 of the 42 studio units [only 4.8%] cannot be ignored. The environmental impact of injecting up to 75 cars⁴ which must drive around in the daily search to find on-street parking should be considered *before* approval of this Project.

<u>Community opposition</u>. Attached to the Staff Report are *numerous* written oppositions to this Project. Despite this, to our knowledge, Staff has never contacted any of the authors of these oppositions, and has worked *exclusively* with Applicant in design of the Project, *to the exclusion of other interested parties*. As a result, we have been given limited time to review the file for the Project, and to analyze Applicant's proposed Project.

<u>The Key Marston Association (KMA)</u> analysis appears to be based upon material misinformation, including:

(a) a Base Project of "35 efficiency units" [KMA Report, p. 1] instead of Applicant's proposed 42 such dwelling units; and

(b) "Base Project with Parking Garage - Base Project with a *two-story* below grade parking garage" [KMA Report, p. 2] instead of Applicant's proposed single-story below grade parking.

Economic Feasibility. According to Tthe London Group's economic analysis, alternative number 3, to build the base project, and relocate and rehabilitate the existing historical Millard House, results in a profit to Applicant of \$980,869" [Staff Report, p. 18]. Thus, this alternative can*not* reasonably be said to be "economically infeasible." And while this alternative may be less profitable to Applicant than simply destroying the historic Millard House, it is *not justification* for failing to preserve this historical element of Little Italy. Moreover, this demonstrates by the hand of Applicant's chosen expert, The London Group, that any economic infeasibility⁵ of this Project is *not* caused by the cost of including affordable housing.

I regret being unable to be present at the Design Review meeting, but nevertheless request you consider our written opposition.

Respectfully Frank E. Rogozienski

FER:smb enc.

⁴43 Living Units x 2 persons per Living Units, *minus* 9 off-street spaces = 75 vehicles without off-street parking.

⁵"The incentive is not required in order to provide for affordable housing costs ..." [SDMC 143.0740[A], Staff Report, p. 18].









REVISION 2

.

CURRENT GENERATION

SCRE: GATE: ATIMATIC STATUS ATIMATICS ROMANIE: ROMA

320 West Cedar 320 West Cedar Street San Diego CA 92101 JONNTHW SEGAL FM 3000 Uper Street Suite 101 San Diego, CA 92104

EAST ELEVATION UNION STREET

FRANK E. ROGOZIENSKI

1660 UNION STREET 4TH FLOOR SAN DIEGO, CALIFORNIA 92101 (619) 237-1878 FAX (619) 237-1870

November 9, 2016

Civic San Diego Attention: Downtown Community Planning Council <u>svensk@civicsd.com</u>

Re: 320 West Cedar Street

Dear Committee:

As the owner of four properties in the same block as this proposed project,¹ we oppose its construction and urge the Downtown Community Planning Council recommend that Civic San Diego *not* grant Design Review approval, and *not* recommend approval to the Planning Commission of Centre City Planned Development Permit/Site Development Permit No. 2016-39. Among other reasons, our opposition is based on the following grounds:

The additional "RESIDENTIAL" unit. Applicant's plans dated June 15, 2016, show the southeast corner of the ground floor of what is described as a *single*-family residence as "RETAIL/OPTIONAL", and Applicant's most recent plans dated November 2, 2016 describe *the same space* as "RESIDENTIAL". Applicant's plans for this "RESIDENTIAL" space show a full kitchen, bathroom with a tub, bedroom and its own patio and access door onto the street. According to Applicant's plans, what is described as a single-family residential unit on Lot B is in fact a duplex of *two* residential units. Applicant's calculation of 36 housing units (35 studio apartments and 1 3-bedroom house) is incorrect; in fact, Applicant's plans show *37 housing units* (36 studio apartments and 1 3-bedroom family residence). Thus, all calculations which fail to include the "RESIDENTIAL" unit on Lot B are erroneous. This is not addressed in the staff report.

Project design is flawed. Applicant's proposed project, even with the changes agreed upon with staff, remains flawed. As discussed, *infra*, permitting a project of this scale with no off-street parking and the elimination of 2 on-street spaces, would be an unwarranted and set an adverse precedent. Affordability of these units must take into consideration the cost of parking off-site (say \$200 per month per vehicle). The project has no amenities, just prison cell-like living units. The project has no common indoor or outdoor open space. There is no pet open space. Entrance into the apartment building is a long narrow hall leading to a small reception area ("lobby") with access to a small elevator and emergency stairs serving *eight floors and 5 units* per floor. The lobby has a storage area for 5 bicycles, and each floor has a storage area for only 4 bicycles. There is no residential (tenant) storage, another cost in the affordability calculation. A tenant leaving in the

ATTACHMENT F

¹1660 Union Street; 1632 Union Street, Unit 6; 335 W. Date and 1653 State Street.

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morning and returning home at night would thus need to bring his bicycle with him in the crowded elevator. If 2 persons occupy a unit, the problem is compounded. A trash room is provided only on the ground floor. The studio units have a kitchen and bathroom (toilet, etc.) which face and are open to each other. One enters the unit into the open bathroom and kitchen. The proposed lot split will leave the single-family residence (which Applicant states will be occupied by a member of Applicant's family) and extra "RESIDENTIAL" unit (together a duplex) free of the 8 story apartment structure and saleable at a likely substantial profit. By combining it as part of a larger project, Applicant will have succeeded in tearing down a historic structure and replacing it with a more modern duplex. This is not a suitable project under the guise of affordable housing or otherwise.

Complete lack of any parking for 36 living units. Applicant calculates that "[w]ith the existing 35 units scheme the parking requirement is 9 spaces." Applicant does not contend this minimal number of spaces cannot be achieved; rather, Applicant claims that to do so would create what it says would be an "impossible financial burden." This is because, instead of using the ground floor for parking, Applicant seeks for itself the added revenue of a "commercial component" on the ground floor. We note that 1653 State Street is a 5,000 square foot lot in the same block with 14 parking spaces. Applicant's claim that ground floor (or lower) parking would not comply with Civic San Diego's requirement for a 'pleasant and rich pedestrian experience' is self-serving and without basis. It is also important to note that under Applicant's no parking space scheme, there will be no parking for handicapped persons. It is unrealistic to assume that the tenants of the 36 living units will not have cars. Rather, they will have no place to park them. It is unrealistic to assume that guests of tenants of the 36 living units will not have cars. Rather, they will have no place to park them. Moreover, the two on-street parking spaces on Union Street will be eliminated in front of where two parking garages are planned for the single-family home on Lot B. No parking spaces is further contrary to the existing uses and manner in which multi-unit projects have been built in the vicinity of this project. 1636 Union Street has a parking space for each unit, a total of 7 spaces. If allowed, no parking spaces for a project of this size, would be a first and an ill-advised precedent. And finally, Applicant is demanding an incentive be used to waive the parking requirement for the nine spaces, threatening that state law mandates this. However, we submit that Applicant is wrong, and in any event an incentive may only be used to waive one, and not nine (or all) parking spaces. To waive nine parking spaces requires *nine* incentives. Otherwise, every developer who could cobble together a single incentive could eliminate all (an unlimited number) of parking spaces - an obviously unintended and absurd result.

Adverse to neighborhood. Thirty-six studio living units, approximately 400 square feet each, with no parking, is not in harmony with, and is adverse to the neighborhood. It is further not consistent with the Little Italy community. There are a series of historic houses adjacent to and in the immediate vicinity of Applicant's proposed development. They form a cohesive, visual display of Little Italy in its origins. Applicant's proposal of a narrow, 87 foot tall, 8-story cement wall structure, exhibits none of the charm of the Little Italy community, which others have fought so hard to preserve. It flies in the face of those who have built projects which enhance, not detract from Little Italy. See for example the Piazza Famaglia project and other projects on the 1600 block of Union Street.

Removal of historic property. Demolition of the Oscar M. Hillard Rental should not be

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allowed. This beautiful, Queen Anne architectural style house is an historic resource, originally built in 1894. It was registered as number 282 in 1990 with the City's Historic Review Board. and is part of a group of historic residences which have populated Little Italy from its beginnings, and define its fabric, charm and character. See other residences next to this property on Union Street, and those on Cedar and State Streets within a block of this project. Having derived the economic and other benefits of being designated as an historical resource, Applicant should not be allowed to simply tear it down. Only Applicant would benefit from the demolition of the Hillard residence. Moreover, the owners and developers who have all taken care to protect and preserve the historic properties in this area, and should not be "rewarded" by having their work diminished by this proposed project.

<u>Mini-Hotel</u>. Thirty-six (36) studio apartments of approximately 400 square feet each is a compelling set up for short-term rentals; essentially a mini-hotel with none of the requirements and safeguards of a hotel. Applicant has not shown he can rent 36 units of the type he proposes on other than a short-term basis. With the help of airbnb, vrbo and the other short-term vacation rental sites, regardless what is said now, the economics will quickly drive this transient use. Thirty-six units checking in and out on a daily or weekly basis will have a serious adverse impact on the neighborhood. The corner of Cedar and Union is not a proper location for a hotel, especially one with no parking. The nearby Doubletree has all the safeguards of a hotel, plus its traffic fronts on Front Street.

The requested deviations should not be allowed:

- (a) LISA height limits
- (b) *Minimum street wall height*
- (c) Garage door setback

Requested design issues and considerations (page 11 of Staff Report) are not appropriate.

Development will adversely affect the applicable land use plan because it is not consistent with a well-designed residential development and is not consistent with the orderly growth and scale of the neighborhood. The project overall will have a significant adverse impact on the surrounding neighborhood (e.g, blocking the sun, light and solar). It will stand out as a highly visible sore thumb.

We reserve the right to further address the proposed project and further define our objections.

Respectfully,

Frank E. Rogozienski

Dear Christian,

I would like to publicly voice my opposition to the proposed "320 West Cedar" project, as outlined in the Civic San Diego "Notice of Application and Preliminary Design Review Meetings" (dated 25 August 2016).

I am not opposed to the building size or number of units. The existing structure has been neglected and should certainly be demolished. Furthermore, I generally like the aesthetic design of Jonathan Segal's projects.

As a home owner and multi-year resident in the Little Italy neighborhood of San Diego, however, I am well aware of the limited on-street parking that is currently available. The neighborhood and its restaurants and other businesses rely on street parking for patrons and general visitors/tourists.

As such, I feel that the developer's attempt to circumvent on-site parking requirements by constructing 2 low income housing units is ridiculous and a waiver should not be granted. It is unacceptable to design and develop a new apartment building with 36 units in Little Italy and not build any parking.

Thank you.

Regards, Jared Hahn

1601 Kettner Blvd., 28 San Diego, CA 92101 Hello,

I understand that you are the planner involved in this project of proposed 36 units with ZERO parking spaces. The quality of life in this areas of town is constantly being diminished by too many vehicles roaming while looking for parking spaces. Adding another 36 units and possible twice as many cars to this mix without requiring the developer to provide parking is ludicrous. While our lives are impacted very negatively for perpetuity, the developer takes their profits and leaves.

Developers should be required to provide off street parking, one for each bedroom, as well as parking for guests. It is not our responsibility to make sure a developer can make money on a project, often by leaving out basic necessities for a comfortable life in their buildings. Just where does the developer think people will park who live in this building? Neither they nor their guests can afford to pay the going price for parking spaces in the area.

Another thought unrelated to parking is the overabundance of pets in this area of the city with no place to let the pets relieve themselves. Hence there is animal feces everywhere on the streets and sidewalks. This is not only unsanitary but disgusting. I would propose that any developer is required to provide a "pet relief area" onsite or to prohibit pets.

Please consider these suggestions and include me on all notices of this project.

Thank you, Carol Pucak Owner 602 W Fir #401 San Diego CA 970-379-2216 Dear Christian,

I live across the street from the above-referenced, proposed new new development. I COMPLETELY SUPPORT THIS PROJECT, BUT ONLY IF THE FOLLOWING CONDITIONS ARE APPLIED:

(1) All prospective tenants (except in the garaged-unit) must sign a contract stating that they do not own a car and intend to rely on self-mobilization (i.e. bicycling or walking) and/or use of public transportation or similar private services (Uber, taxi, etc.) for the duration of their residency.

(2) 320 West Cedar Management must review public DMV records every 6 months at a minimum and apartment dwellers found to be in violation of their contract will be subject to eviction.

I see these compact apartments as potentially a great asset to my community . They'd bring in some (at least slightly) lower income residents and they'd provide some nice infilling to the central area in an environmentally appropriate manner. They would improve the look of the neighborhood, given the unfortunate state of disrepair of the historic building currently occupying that location.

That said, bringing in residents with cars and no assigned parking spaces is unconscionable. There are severe parking issues already and more parking spaces are scheduled to disappear from Little Italy once the Downtown Mobility Plan is implemented. A rule of thumb for new residential development downtown should be: no parking, no cars.

Sincerely,

Lisa Lambiase Union Street San Diego, CA 92101 (619) 987-2871 FYI.

Jodie Brown, AICP Senior Planner Development Services Department 619.533.6300

From: Devon Foster [mailto:devonsd@gmail.com] Sent: Tuesday, September 13, 2016 4:22 PM To: Brown, Jodie Subject: 320 W. Cedar Street in Little Italy

To Whom it May Concern:

I am strongly opposed to the proposed project at 320 West Cedar.

The building being replaced/destroyed is a gorgeous historic home: the Oscar M Hillard home, built in the Queen Anne architectural style and registered as number 282 in 1990 with the Historic Review Board. It absolutely should not be torn down and replaced with an 8-story condo building.

According to Bruce Coons of the Save Our Heritage Organization, this is the most intact block of Victorian houses left in downtown San Diego. It's also a beautiful part of Little Italy's history. It should not be destroyed!!

Devon Foster Little Italy homeowner and resident

From:	Zaho
То:	Christian Svensk
Subject:	Fwd: 320 Cedar Building Project
Date:	Friday, September 02, 2016 4:58:26 PM

------ Forwarded message ------From: Zaho <tostevenwalker@yahoo.com> Date: Sep 2, 2016 4:50 PM Subject: 320 Cedar Building Project To: svensk.civicsd.com@yahoo.com Cc:

> Dear Planning Group, I want to voice my opposition to the plan to build an apartment building with no parking spaces in Little Italy. I have lived in the neighborhood for 20 years and have watched the parking situation go from bad to worse. Adding 37 units with no parking will impact the area even more negatively. I emphatically encourage the city to reject this proposal. Steven Walker, 602 W. Fir #103, San Diego, CA 92101 sorry, I spelt your name wrong on my first email

Begin forwarded message:

From: Gail Roberts <<u>gailroberts@yahoo.com</u>> Subject: 320 W. Cedar Date: September 8, 2016 at 11:24:35 AM PDT To: <u>swensk@civisd.com</u>

I live at 1601 India Street where finding parking for family and friends to visit me is a constant problem. I do not want to see new construction that does not provide parking for their residents.

I try to limit my the time I spend in my car, and I want to see people use more public transportation, but, to build apartments that do not have parking is an added burden for the building residents and neighborhood residents.

I strongly oppose giving Jonathan Segal the OK for this project.

Regards,

Gail Roberts

Hi Christian,

I wanted to express reasons for my opposition to the current proposed project at 320 W. Cedar Street in Little Italy. I am a neighbor of the proposed site and live across the street within a 300-500 ft radius.

1.) The historic home at the north-west corner of Cedar & Union is consistent with the character of the neighborhood, as there are historically preserved homes next door....as well as several other Victorian homes on the same street. In addition, the building across the street at the northeast corner of Cedar & Union is historic and has been beautifully restored. To demolish the history of the neighborhood and the structure involved in this project's proposal would be a huge mistake on the part of Civic SD. Please require Mr. Segal to incorporate parking into the project, as all other developers have been required to do. Why give Architect Segal the ability to demolish a historic structure just because he's willing to allow two very low income units in his project? Anyone who knows how building permit approval works, knows this is just a legal way to bribe planners and decision makers to allow builders to take actions that would otherwise be unacceptable. An eight story building does NOT fit the character of the neighborhood or the surrounding structures nearby.

2) Providing a building permit for 37 residences with zero off-street parking spaces in a community that already has a severe shortage of on-street parking for residents is unconscionable!! Civic SD/SANDAG already wants to wipe out on-street parking on State and Beech the next block over for the proposed bike lanes. Civic SD has not yet approved a resident parking permit program for residents in Little Italy. Why is that?!? It is also a known fact, and acknowledged by Civic SD staff, that there is a deficit of on-street parking spaces for residents in this high tourist area part of town. Adding to the existing parking problem is not a solution!! Don't be like Pacific Beach, and allow a bar on every corner!! Hindsight is 20/20. Please, use some sound judgement when it comes to design projects in Little Italy with no parking before it is too late!

True, the City & County built a beautiful new parking garage a few blocks away for visitors who frequent the shops & restaurants in Little Italy...but residents should not be expected to pay a daily rate to park their cars in that garage!! Seriously, anyone who lives downtown knows how crazy the parking situation is already. For example, if a couple rents a one bedroom condo in Little Italy, one of those two people will have a designated parking spot to park in at their building. The second person will have to spend a great deal of time circling the neighborhood intheir car every night trying to find a place to park before they can get home to eat or sleep. If they invite one or two family members over for dinner? Forget parking! As a result, many of us who live downtown have very few visitors...because we are considered "geographically undesirable" by our friends and family due to where we live.

3) Don't let the inclusion of 2 low income housing units make you throw good planning judgment out the window! Do the right thing, even if it goes against what Li Mandri & Segal want. Don't be fooled. The community (i.e., residents) DO NOT WANT this project as it is currently proposed. Li Mandri probably wants a new "front porch" building as an updated entrance into his business district. There's nothing wrong with that...but please ask the proponents to modify the project requirements so it is a smart project that adds value to all who live in the community and one that won't add to an already existing parking crisis and allow an ugly behemoth next to other Victorian structures.

Thank you for your consideration.

Regards, Jennifer Smith 1580 Union Street San Diego, CA 92101 Sent from my iPhone

Begin forwarded message

Date: September 8, 2016

Hi Christian,

I wanted to express reasons for my opposition to the current proposed project at 320 W. Cedar Street in Little Italy. I am a neighbor of the proposed site and live within a block away.

1.) The historic home at the north-west corner of Cedar & Union is consistent with the character of the neighborhood, as there are historically preserved homes next door....as well as several other Victorian homes on the same street. In addition, the building across the street at the northeast corner of Cedar & Union is historic and has been beautifully restored. To demolish the history of the neighborhood and the structure involved in this project's proposal would be a huge mistake on the part of Civic SD. Please require Mr. Segal to incorporate parking into the project, as all other developers have been required to do. Why give Architect Segal the ability to demolish a historic structure just because he's willing to allow two very low income units in his project? Anyone who knows how building permit approval works, knows this is just a legal way to bribe planners and decision makers to allow builders to take actions that would otherwise be unacceptable. An eight story building does NOT fit the character of the neighborhood or the surrounding structures nearby.

2) Providing a building permit for 37 residences with zero off-street parking spaces in a community that already has a severe shortage of on-street parking for residents is unconscionable!! Civic SD/SANDAG already wants to wipe out on-street parking on State and Beech the next block over for the proposed bike lanes. Civic SD has not yet approved a resident parking permit program for residents in Little Italy. Why is that?!? It is also a known fact, and acknowledged by Civic SD staff, that there is a deficit of on-street parking spaces for residents in this high tourist area part of town. Adding to the existing parking problem is not a solution!! Don't be like Pacific Beach, and allow a bar on every corner!! Hindsight is 20/20. Please, use some sound judgement when it comes to design projects in Little Italy with no parking before it is too late!

True, the City & County built a beautiful new parking garage a few blocks away for visitors who frequent the shops & restaurants in Little Italy...but residents should not be expected to pay a daily rate to park their cars in that garage!! Seriously, anyone who lives downtown knows how crazy the parking situation is already. For example, if a couple rents a one bedroom condo in Little Italy, one of those two people will have a designated parking spot to park in at their building. The second person will have to spend a great deal of time circling the neighborhood intheir car every night trying to find a place to park before they can get home to eat or sleep. If they invite one or two family members over for dinner? Forget parking! As a result, many of us who live downtown have very few visitors...because we are considered "geographically undesirable" by our friends and family due to where we live.

3) Don't let the inclusion of 2 low income housing units make you throw good planning judgment out the window! Do the right thing, even if it goes against what Li Mandri & Segal want. Don't be fooled. The community (i.e., residents) DO NOT WANT this project as it is currently proposed. Li Mandri probably wants a new "front porch" building as an updated entrance into his business district. There's nothing wrong with that...but please ask the proponents to modify the project requirements so it is a

smart project that adds value to all who live in the community and one that won't add to an already existing parking crisis and allow an ugly behemoth next to other Victorian structures.

4) We currently have several residential project going on in and around Little Italy and do not want to be bombarded with more.

Thank you for your consideration.

Regards,

Corry Candland 1480 Union Street San Diego, CA 92101

Sent from my Verizon Wireless 4G LTE Tablet

Dear Mr. Svensk,

I am appealing to you to deny the tentative design plan submitted under Project 320 West Cedar. The project is expected to be reviewed by CivicSD on Sept. 13. I understand you are the project planner.

As a longtime resident (8 years) in the Little Italy Community, I am seriously opposed to Project 320 West Cedar because there is "zero automobile parking spaces" allocated for the hundreds of residents who will ultimately reside in this building. The fact that an 8-story apartment building with at least 36 apartment units is requesting to be built in an already highly-impacted residential community with ZERO additional parking spots is absolutely unacceptable and absurd! I do not understand how the City would approved a large apartment building without parking spaces.

Please know that I am an integral part of the Little Italy community - I live here and I pay property taxes and I frequent the local businesses. If the Little Italy Association leadership has not represented my opposition to this project, I am advising per this appeal.

I am aware that Project 320 West Cedar is being presented a "model" similar to Japan's "micro-living-spaces." I am told, the builders say it will "appeal to the "Uber generation". The housing situation in Japan's Tokyo is completely different than San Diego's Little Italy. Not only is this idea absurd, but it is going to add to the congestion in the area. The fact is that beyond a few blocks in the downtown San Diego area, life is very difficult without a vehicle in San Diego, and I promise you the "Uber generation" all have automobiles. They may live a lifestyle downtown in which they do not drive their cars that often, but they ALL own cars and those cars will come with them, and need a parking spot.

The congestion in our neighborhood is already out of control. I thought the City had municipal codes that required apartments to provide a certain number of parking spots. I know they do that in the beach area. Why is this project different?

I am a firm believer in finding ways to reduce the use of automobiles, but this is not a fair project or a logical idea.

I pay very steep property taxes to reside in Little Italy. I am opposed to to the current design plan for Project 320 West Cedar. I am open to negotiating. Maybe they can settle on a draft design with a reduced number of parking spots or something of that nature. But as the plan is currently designed, I am submitted my opposition and very concerned!

Sincerely,

Lauren Mack

Hello,

I am a homeowner in the neighborhood near the proposed development, 320 Cedar. I am writing to present my concern regarding the lack of parking available for the proposed units, and urge the planner to consider the negative impact that this would have on the nearby community and local business.

Already, there is an exceptional problem with parking in this area. Local businesses and homeowners/tenants suffer because people simply will not drive to Little Italy due to the lack of parking or the available parking spaces are too far or inconvenient. The majority of the industry is leisure (restaurant/food/drink) which somewhat relies on out of town or within San Diego travel and subsequently automobile transportation.

It is unclear why the proposed development will not include parking. There is not a high density of walkable industry nearby from which a pedestrian employee community may benefit.

I urge the committee to think about the impact on our community and the stifling effect on the vibrancy of our growing Little Italy community.

Sincerely, Aria Jafari, MD

--Aria Jafari Hello,

I think building units without garage space is a bad idea. Parking is bad enough in Little Italy. People will have cars even if we don't want them to.

Sincerely, Ernestine Smith

From:	Devon Foster
To:	Christian Svensk
Subject:	Protest of 320 West Cedar Project
Date:	Thursday, September 01, 2016 5:16:36 PM

To Whom it May Concern:

I am strongly opposed to the proposed project at 320 West Cedar. First, the building being replaced/destroyed is a gorgeous historic home. It absolutely should not be torn down and replaced with a condo. Second, to build a project with 36 units and zero parking spots may bring 72 cars- OR MORE- into an already congested neighborhood with a serious lack of parking. Not only would this negatively impact every single resident, but it would also seriously impact all the businesses. I already hear from friends and family that they hate to come to Little Italy because there's no parking- this will needlessly intensify that. Finally, an 8 story building is FAR too tall for that part of Little Italy. I hope that it is restricted by the flight path and neighborhood codes, but if not I would strongly urge you to cap it (if it must be built) at 2 stories like the surrounding residences.

Devon Foster

Resident and Owner at Village Walk 1501 India Street, #503

FRANK E. ROGOZIENSKI

1660 UNION STREET 4TH FLOOR SAN DIECO, CALIFORNIA 92101 (619) 237-1878 FAX (619) 237-1870

October 11, 2016

Civic San Diego Attention: Design Review Committee <u>svensk@civicsd.com</u>

Re: 320 West Cedar Street

Dear Committee:

As the owner of four properties in the same block as this proposed project,¹ we oppose its construction and urge the Design Review Committee to reject/disapprove its design. Having only received the staff report for this hearing on Monday, October 10, 2016, this opposition is not as all inclusive and well organized as had there been more time. Among other reasons, our initial opposition is based on the following grounds:

Complete lack of any parking for 35 living units. Applicant calculates that "[w]ith the existing 35 units scheme the parking requirement is 9 spaces." Applicant does not contend this minimal number of spaces cannot be achieved; rather, Applicant claims that to do so would create what it says would be an "impossible financial burden." This is because, instead of using the ground floor for parking, Applicant seeks for itself the *added revenue* of a "commercial component" on the ground floor. We note that 1653 State Street is a 5,000 square foot lot in the same block with 14 parking spaces. Applicant's claim that ground floor (or lower) parking would not comply with Civic San Diego's requirement for a 'pleasant and rich pedestrian experience' is self-serving and without basis. It is also important to note that under Applicant's no parking space scheme, there will be *no* parking for handicapped persons. It is unrealistic to assume that none of the tenants of the 35 living units will not have cars. Rather, they will have no place to park them. No parking spaces is further contrary to the existing uses and manner in which multi-unit projects have been built in the vicinity of this project. If allowed, no parking spaces, especially for a project of this size, would be a first and an ill-advised precedent. And finally, Applicant is demanding an incentive be used to waive the parking requirement for the nine spaces, threatening that state law mandates this. However, we submit that Applicant is wrong, and in any event an incentive may only be used to waive one, and not nine parking spaces. To waive nine parking spaces requires nine incentives. Otherwise, any developer who could cobble together a single incentive could eliminate *all* (an unlimited number) parking - an obviously unintended and absurd result.

<u>Adverse to neighborhood</u>. Thirty-five studio living units, under 400 square feet each, with no parking, is not in harmony with, and is adverse to the neighborhood. It is further not consistent

¹1660 Union Street; 1632 Union Street, Unit 6; 335 W. Date and 1653 State Street.

FRANK E. ROGOZIENSKI

with the Little Italy community. There are a series of historic houses adjacent to and in the immediate vicinity of Applicant's proposed development. They form a cohesive, ivsual display of Little Italy in its origins. Applicant's proposal of a narrow, 87 foot tall, 8-story cement wall structure, exhibits none of the charm of the Little Italy community, which others have fought so hard to preserve. It flies in the face of those who have built projects which enhance, not detract from Little Italy. See for example the Piazza Famaglia project.

Removal of historic property. Demolition of the Oscar M. Hillard Rental should not be allowed. This beautiful, Queen Anne architectural style house is an historic resource, originally built in 1894. It was registered as number 282 in 1990 with the City's Historic Review Board. and is part of a group of historic residences which have populated Little Italy from its beginnings, and define its fabric, charm and character. See other residences next to this property on Union Street, and those on Cedar and State Streets within a block of this project. Having derived the economic and other benefits of being designated as an historical resource, Applicant should not be allowed to simply tear it down. Only Applicant would benefit from the demolition of the Hillard residence.

<u>Mini-Hotel</u>. Thirty-five (35) studio apartments of less than 400 square feet each is a compelling set up for short-term rentals; essentially a mini-hotel with none of the requirements of a hotel. Applicant has not shown he can rent 35 u nits of the type he proposes on other than a short-term basis. With the help of airbnb, vrbo and the other short-term vacation rental sites, regardless what is said now, the economics will quickly drive this transient use. Thirty-five units checking in and out on a daily or weekly basis will have a serious adverse impact on the neighborhood. The corner of Cedar and Union is not a proper location for a hotel, especially one with no parking. The nearby Doubletree has all the safeguards of a hotel, plus its traffic fronts on Front Street.

The requested deviations should not be allowed:

- (a) *LISA height limits*
- (b) *Minimum street wall height*
- (c) Ground floor height: Active commercial uses
- (d) Garage door setback

Requested design issues and considerations (page 10 of Staff Report) are not appropriate.

Development will adversely affect the applicable land use plan because it is not consistent with a well-designed residential development and is not consistent with the orderly growth and scale of the neighborhood. The project overall will have a significant adverse impact on the surrounding neighborhood (e.g, blocking the sun, light and solar). It will stand out as a highly visible sore thumb.

We reserve the right to further address the proposed project and further define our objections.

Respectfully. Frank E. Rogozienski