



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: August 7, 2013 REPORT NO. HO-13-069

ATTENTION: Hearing Officer

SUBJECT: EXTENSION OF TIME - SHIRAZ MEDICAL CENTER
PROJECT NO. 306663

LOCATION: 101 Dickinson Street

APPLICANT: Shiraz Partners, Limited Partnership (Attachment 8)

SUMMARY

Requested Action - Should the Hearing Officer approve an Extension of Time for a previously approved Site Development Permit that allowed deviations for the construction of a medical office building over parking located at 101 Dickinson Street?

Staff Recommendation:

1. **APPROVE** Extension of Time No. 611808.

Community Planning Group Recommendation – On April 2, 2013, the applicant presented the project to the Uptown Community Planning Group, where a motion to support the project passed by 11-1-2 votes with no recommendations (Attachment 7).

Environmental Review – Mitigated Negative Declaration (No. 157724) was prepared and certified for the original project. This extension of time (EOT) was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous Mitigated Negative Declaration (Attachment 6).

BACKGROUND

The 31,745-square-foot (0.73-acre) site is located at 101 Dickinson Street between Front Street and Bachman Place (Attachment 2). The project site is in the NP-1 (Neighborhood Professional) and RS-1-1 (Residential-Single family) Zones of the Mid-City Communities Planned District, the Federal Aviation Administration Part 77 Overlay Zone, and the Community Plan Implementation Overlay Zone (CPIOZ) Area 'B' within the Uptown Community Plan. The area within the NP-1 Zone consists of approximately 28,000 square feet and the area within the RS-1-1 Zone is approximately 3,500-square feet and covers the southernmost portion of the site.

The surrounding land uses include the University of California San Diego (UCSD) medical center to the west and north, the UCSD parking garage to the east; and several modular buildings to the south. The project site consists of three single-family and 16 multi-family units which are to be demolished.

On January 27, 2010, the Hearing Officer placed Site Development Permit No. 561291 (Attachment 2) on the consent agenda approving an entitlement for the demolition of three single-family units and 16 multi-family units with deviations for the construction of a 72,187-square-foot, 4-story medical office building with five levels of subterranean parking.

DISCUSSION

Proposed Project

This application is for an Extension of Time to extend the previous expiration date (February 10, 2013) for an additional three years to February 10, 2016. The City of San Diego Land Development Code (LDC) allows previously approved permits that have not been utilized within the prescribed time limit to apply for such an extension. LDC Section 126.0111 states that an expiration date of an approved development permit may be extended one or more times, provided the extensions do not exceed a total of 36 months beyond the expiration of the initial utilization period. An application for an extension of time is reviewed to determine whether the proposed development has significantly changed or is in substantial conformance with the approved development permit. An extension of time may be approved without new conditions if the decision maker finds that the project, as originally approved and without any new conditions, would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety; and that the previous entitlement does not conflict with any current state or federal law. An EOT can also be approved with new conditions if the decision maker finds a new condition is required in order for the previous project to comply with a state or federal law.

Staff reviewed the proposed Extension of Time for the Shiraz Medical Center project and determined the project proposes no changes to the original design and that the project would comply with all current state and federal laws without any new permit conditions.

Environmental Analysis:

Mitigated Negative Declaration No. 157724 (Attachment 6) was prepared and certified for the original project and a subsequent review for this application determined there are no changes proposed to the project which would require revisions to the previous environmental document. The MND provides biological resource, paleontological resource and transportation mitigation and would still be required with the extension of time prior to obtaining any grading or building permit.

Conclusion:

The Land Development Code establishes a process whereby the expiration date of a previously approved development permit can be extended up to an additional 36 months. The applicant for the approved Shiraz Medical Center redevelopment plan has requested a three-year extension and staff has concluded there are no changes proposed to the project and no new conditions are required to protect the health and safety of the surrounding area. Therefore, staff supports the extension of time and has provided draft findings to affirm the project (Attachment 5).

ALTERNATIVES:

1. Approve Site Development Permit No. 561291, with modifications.
2. Deny Site Development Permit No. 561291, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo
Development Project Manager

Attachments:

1. Project Location Map
2. Hearing Officer Report HO-10-001 (with Attachments 1-3, 5)
3. Project Plans (Forwarded to HO only)
4. EOT Permit with Conditions
5. EOT Resolution with Findings

6. Mitigated Negative Declaration No. 157724
7. Community Planning Group Recommendation
8. Ownership Disclosure
9. Copy of Public Notice

Job Order No. 24003462

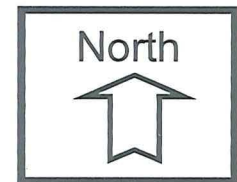


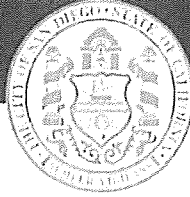
Project Site



Project Location Map

SHIRAZ MEDICAL CENTER- PROJECT NO. 306663
PROJECT NO. 306663





THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: January 27, 2010 REPORT NO. HO-10-001

ATTENTION: Hearing Officer

SUBJECT: SHIRAZ MEDICAL CENTER
PROJECT NO. 157724

LOCATION: 101 Dickinson Street

APPLICANT: Shiraz Partners, L.P. (Attachment 8)

SUMMARY

Requested Action - Should the Hearing Officer approve a Site Development Permit to allow deviations for the construction of a medical office building over parking located at 101 Dickinson Street?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 157724, and **Adopt** the Mitigation Monitoring Reporting Program; and
2. **Approve** Site Development Permit No. 561291.

Community Planning Group Recommendation – On June 2, 2009, the applicant presented the project to the Uptown Community Planning Group, where a motion to support the project failed by two votes with no follow-up motion provided as detailed within this report (Attachment 7).

Environmental Review – The City of San Diego Development Services Department as Lead Agency under the State of California Environmental Quality Act (CEQA) Guidelines has prepared and completed a Mitigated Negative Declaration, Project No. 157724, and the associated Mitigation, Monitoring and Reporting Program, dated January 7, 2010 covering this activity. The adopted Mitigation, Monitoring and Reporting Program would be implemented to reduce potential impacts to transportation, paleontological and biological resources to below a level of significance.

BACKGROUND

The 31,745-square-foot (0.73-acre) site is located at 101 Dickinson Street between Front Street and Bachman Place (Attachment 2). The project site is also located in the NP-1 (Neighborhood Professional) and RS-1-1 (Residential-Single unit) Zones of the Mid-City Communities Planned District, the FAA Part 77 Overlay Zone, and the Community Plan Implementation Overlay Zone (CPIOZ) Area 'B' within the Uptown Community Plan. The surrounding land uses include the University of California San Diego (UCSD) medical center to the west and north, the UCSD parking garage to the east; and several modular buildings to the south.

The developed area consists of 3 single-family units and 16 multi-family units which are proposed to be demolished. The area within the NP-1 Zone consists of approximately 28,000 square feet and the area within the RS-1-1 Zone is approximately 3,500-square feet which covers the southern most portion of the site.

DISCUSSION

Proposed Project

The proposed project would demolish 3 single-family units and 16 multi-family units. The project also proposes deviations for the construction of a 72,187-square foot, 4-story medical office building with five levels of subterranean parking on a 0.73-acre site. The first floor of the medical office building would be approximately 11,900 square feet, the second floor would be approximately 19,000 square feet, the third floor would be approximately 20,100-square feet and the fourth floor would be approximately 21,000 square feet. The total Gross Floor Area (GFA) would be approximately 72,000 square feet with a 60,000-square foot, five-level subterranean parking garage. The underground parking garage is not included in the calculation of FAR. The proposed Floor Rea Ratio (FAR) for the entire site is 2.27 and would be constructed completely in the NP-1 zone.

The 4-story, L-shaped building would consist of stucco finish, spandrel glass, insulated vision glad and metal roof, and perforated metal panel railing. The building frontage on the north side of Dickinson Street is open to accommodate the drop off area and the parking ramp which leads to 5 levels of underground parking.

The parking requirement for the proposed medical office building is 289 parking spaces. The development proposes 297 parking spaces (including 10 accessible spaces) with access from Dickinson Street. There are 7 parking spaces within the drop off area at street level accessed directly from Dickinson Street. The 5 levels of the underground parking structure proposes 64 spaces on every level with the exception of level 5 which proposes 34 parking spaces. Six bicycle racks and two bicycle lockers would also be provided on site.

The Uptown Community Plan designates the proposed project site for Institutional-Hospital. On May 2, 1989, the City Council adopted Resolution No. R-273376, to redesignate a 1.40-acre site

from Open Space to Hospital. The proposal to develop a medical office on this site would implement the land use designation.

The project is located within the FAA Notification Area for Lindbergh Field; however, the project received clearance that it is not a hazard to Air Navigation.

Required Permits

The project as proposed requires a Site Development Permit (SDP) in accordance with section 132.1402, Table 132-14B, due to location of the project site within the Community Plan Implementation Overlay Zone, Area 'B'.

The proposed project also requires a SDP per sections 1512.0203 and 142.0540(c), of the San Diego Municipal Code (SDMC) for deviations to height, setbacks, maximum number of driveways permitted, driveway separation distance, and turnaround requirements as described in the "Deviations" section below. A decision on a Site Development Permit shall be made in accordance with Process Three with the Hearing Officer as the decision maker. The decision may be appealed to the Planning Commission in accordance with SDMC Section 112.0506.

Deviations

The applicant has applied for a Site Development Permit per sections 1512.0203 and 142.0540(c), of the San Diego Municipal Code (SDMC) to allow for the eight deviations listed below, all of which are supported by staff. The deviations are summarized as follows:

- a. A deviation to allow a maximum overall height of 100' for the proposed medical office building where a maximum overall height of 70' is permitted due to the topography of the site;
- b. A deviation to allow a maximum structure height of 94' for the proposed medical office building where a maximum structure height of 60' is permitted where the structure is above enclosed parking;
- c. A deviation to allow a front yard area of 2,583 square feet where 2,994 square feet is the minimum required and is a 14% deviation;
- d. A deviation to allow an interior side yard setback of 6 feet (for the stairwell on the west end of the buildings' third floor), where 9 feet is the minimum required and 6 feet (for the stairwell on the west end of the buildings' fourth floor), where 12 feet is the minimum required;
- e. A deviation to allow a rear yard setback of 10'-1" where 15'-0" is the minimum required;

- f. A deviation to allow two driveways where one is the maximum allowed;
- g. A deviation to allow for the separation distance between two driveways of 17' where 45' is the minimum required;
- h. A deviation to allow for a circular loop for automobiles on the property instead of the requirement for a cul-de-sac at the end of Dickinson Street.

Height Deviation

Overall Height Deviation

The underlying zone allows a maximum height of 50 feet with an additional 10 feet where the project is above enclosed parking. The Overall Structure Height allows an additional 10 feet for the grade differential which puts the maximum allowable overall height at 70 feet. The lowest point of grade within 5 feet of the proposed structure is 264 feet above Mean Sea Level (MSL) at the southwest corner of the structure. The highest point of the proposed structure is the HVAC equipment screen in the center of the building roof at 364 feet above MSL and so the project proposes a maximum overall height of 100'-0". Photographic studies were prepared during project review to show that the lower portions of the building were not visible from adjacent streets or properties due to the presence of the existing UCSD parking structure and the vegetation in the canyon to the South. Staff determined that the increased height is consistent with the purpose and intent of the regulation, would allow for a more functional project and would not adversely affect the surrounding community.

Structure Height Deviation

The proposed building will have a maximum structure height of 94 feet at the highest point above existing grade directly below at the southeast corner of the building. The majority of the building, however, and especially where the structure is viewed from the street level, will have a height of 61 feet above grade with the HVAC equipment screen stepped back to the center of the roof having a height of 67 feet above grade.

Front Yard Area Deviation

The project proposes a 14% deviation to allow a front yard area (along the northern and eastern frontage of Dickinson) of 2,583 square feet where 2,994 square feet is the minimum required. The amount of square footage is proposed to be reduced due to the irregularly- shaped lot. The project exceeds the yard area required by the SDMC on the northern portion of Dickinson and is less than a 20% deviation; therefore this deviation meets the purpose and intent of the regulation.

Side Yard Setback Deviation

The project proposes a deviation to allow an encroachment into the required side yard setback. The NP-1-1 zone specifies an increasing side yard setback for each floor above the second story. The deviation is requested to allow a interior side yard setback of 6 feet (for the stairwell on the west end of the buildings' third floor), where 9 feet is the minimum required and 6 feet (for the stairwell on the west end of the buildings' fourth floor), where 12 feet is the minimum required. The exterior stairwell located at the eastern edge of the structure would be the only encroachment. With the exception of the stairwell, the remaining portion of the building would observe a 12-foot setback where 6 feet is the minimum required. The stairwell encroachment provides additional articulation and reduces the bulk and scale of the structure which meets the purpose and intent of the regulation.

Rear Yard Setback Deviation

The project proposes a deviation to allow a rear yard setback of 10'-1" where 15'-0" is the minimum required. The rear yard is not readily visible from any location around the perimeter of the site due to the steep slope and proximity of the UCSD parking structure. Photographic studies were prepared during the project review to support the fact that the east elevation of the building would not be visible from any adjacent property or public right-of-way. In addition, due to the unusual shape of the lot, the rear yard functions more like an interior side property line, which would only require a 6-foot setback and therefore meets the purpose and intent of the regulations.

Driveway Regulation Deviations

The project proposes a deviation to allow two driveways where one is the maximum required and a driveway separation distance of 17'-0" where 45'-0" is the minimum required. The project requires two driveways in order to provide a drop-off, turn-around area and access to the underground parking structure. The proposed project has less than 100 feet of frontage and would therefore not allow for the minimum 45 feet separation distance and would not allow for two driveways. The project as designed with two driveways functions better than with a single driveway as it allows for the segregation of drop-off traffic and traffic going to the underground parking structure, which would reduce the potential for congestion at the end of Dickinson Street. The first driveway allows access to the drop-off/ turn-around area and the second driveway serves as both access to the below grade parking structure and as a portion of the hammerhead required by the Fire Department for turning around their apparatus. The driveway to the below grade parking structure segregates traffic going directly to the parking structure from the traffic going first to the drop-off area and then to the parking structure, therefore these deviations would allow for a more efficient ingress and egress of the site.

Cul-de-sac Deviation

The project proposes a deviation to allow a circular loop for automobiles on the property instead of the requirement for a cul-de-sac at the end of Dickinson Street. Several options for providing either a 70-foot diameter or a 90-foot diameter cul-du-sac were investigated. An offset 90-foot diameter cul-du-sac and right-of-way would take up nearly the entire site, leaving only 12,836 square feet of site area available for the building and parking structure. The geometry of the remaining site would preclude reasonable use of the site and other viable building and parking structure options are not possible. The loss of building area, and the geometry of the remaining area, would impact the below grade parking structure to the point that it could not function. The below grade encroachment would also not meet the requirements of Council Policy 700-18, as the encroachment into the newly formed right-of-way would not allow for an efficient layout of below grade parking. To meet the need for the Fire Truck turn-around, an offset "hammerhead" turn out is provided. The portion of the turn out that goes under the building will have a minimum of 14 feet vertical clearance and be designed to accommodate a 95,000 pound vehicle load. The proposed hammer head turn-around shown on the plans was reviewed and approved by staff. Staff also agreed to a circular "drop off" loop instead of a cul-du-sac in order to allow 24 hour/7 day a week public access. No gate or other traffic control device will be placed at the drive way, therefore this deviation is the minimum required to provide safe access and efficient circulation to the property.

As specified in the findings (Attachment 6), these deviations are minor in scope and the proposed modifications provide for a more attractive and efficient design than would be achieved through the strict application of the development regulations.

Environmental Analysis

A Mitigated Negative Declaration (Project No. 157724) was prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the area of biological resources/land use (Multiple Species Conservation Program), Paleontology and Transportation.

Due to the Eucalyptus Woodland vegetation on site and indirect impacts to the Multiple Habitat Planning Area (MHPA), the applicant would be required to incorporate MHPA Land Use Adjacency Guidelines to reduce this impact to below a level of significance as specified in the Mitigation Monitoring and Reporting Program.

Project construction would require grading of approximately 42,000 cubic yards of excavation at a maximum depth of 56 feet. According to the City's Paleontological Guidelines, excavation of 1,000 cubic yards of matter at a depth of 10 feet or greater could result in a significant impact to fossil resources. According to the geologic map prepared by Ninyo and Moore (2008), the project site is underlain by the Mission Valley Formation and therefore, based on the sensitivity

of the affected formation and the proposed excavation depths, the project could result in significant impacts to paleontological resources. To reduce this impact to below a level of significance, paleontological monitoring during grading would be required as specified in the Mitigation Monitoring and Reporting Program.

According to the traffic study prepared by Urban Systems Associates, Inc. (2009), the consultant observed inadequate left turn storage on Washington Street at Richmond Street and would add about 25 vehicles during the PM peak. To reduce this impact to below a level of significance and the applicant would be required to extend the east bound left turn pocket from Washington on the Northbound 163 ramp as specified in the Mitigation Monitoring and Reporting Program would be required.

Community Planning Group Recommendation

The Uptown Planners reviewed the proposed project on several occasions. The project that originally went before the planning group was larger in scale and included a rezone. The original motion, taken on March 3, 2009, to approve the project failed 4-9-1. Another motion was taken to deny the project and that motion passed 9-4-1. The applicant was advised to work with the neighbors and UCSD to address concerns related to traffic and return to the planning group. This was followed by another recommendation on June 2, 2009, which was made after reviewing the exact project that is currently before the Hearing Officer. According to the Uptown Planners minutes, there was discussion regarding the applicant funding several traffic related improvements and a recommendation to establish an advisory committee for the Medical Complex area. The vote to approve the project failed 7-9. There were no further motions and therefore the group's March 3, 2009 recommendation stands. The recommendation to deny the project on March 3, 2009 was not the exact project that is currently before the Hearing Officer (Attachment 7). No other recommendations have been received from the Uptown Planners and the group is aware of staff's recommendation of approval.

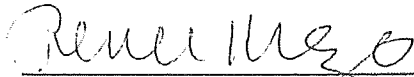
CONCLUSION

In summary, staff has reviewed the proposed project and determined the project meets all the regulations and policies in effect for this site. Staff recommends the Hearing Officer approve Site Development Permit No. 561291. Staff has determined that the development is consistent with the purpose and intent of the NP-1 and RS-1-1 Zones and the Uptown Community Plan. Staff believes the required findings can be supported (Attachment 6). Therefore, staff recommends that the Hearing Officer approve the Site Development Permit as proposed by the applicant, subject to the proposed conditions (Attachment 5).

ALTERNATIVES

1. Approve Site Development Permit No. 561291, with modifications.
2. Deny Site Development Permit No. 561291, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo, Development Project Manager

Attachments:

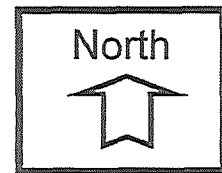
1. Aerial Map
2. Community Plan Land Use Map
3. Project Location Map
4. Project Plans (Forwarded to HO)
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. Community Planning Group Recommendation from June 2, 2009 and March 3, 2009
8. Ownership Disclosure
9. Copy of Public Notice

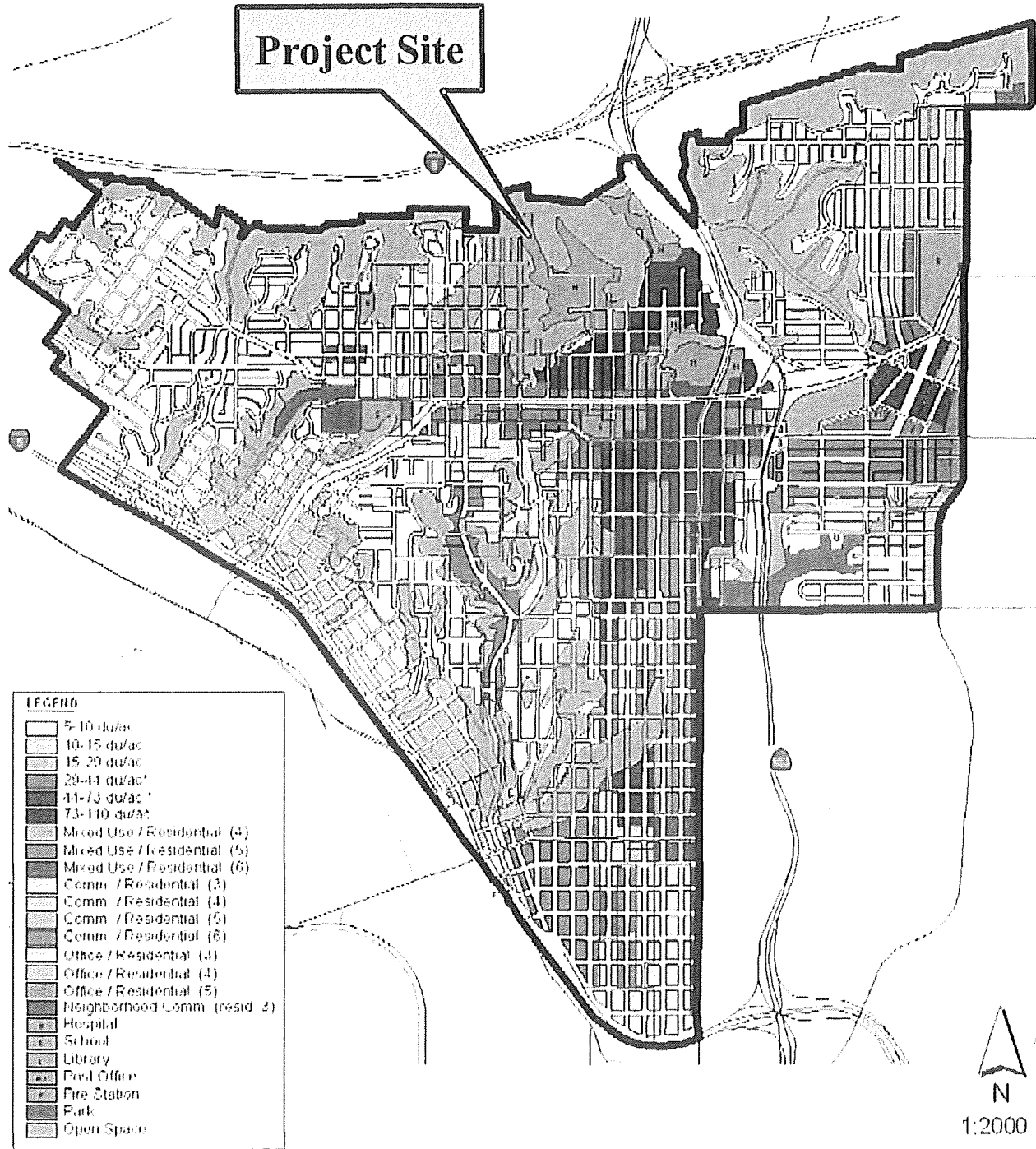
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Aerial Photo

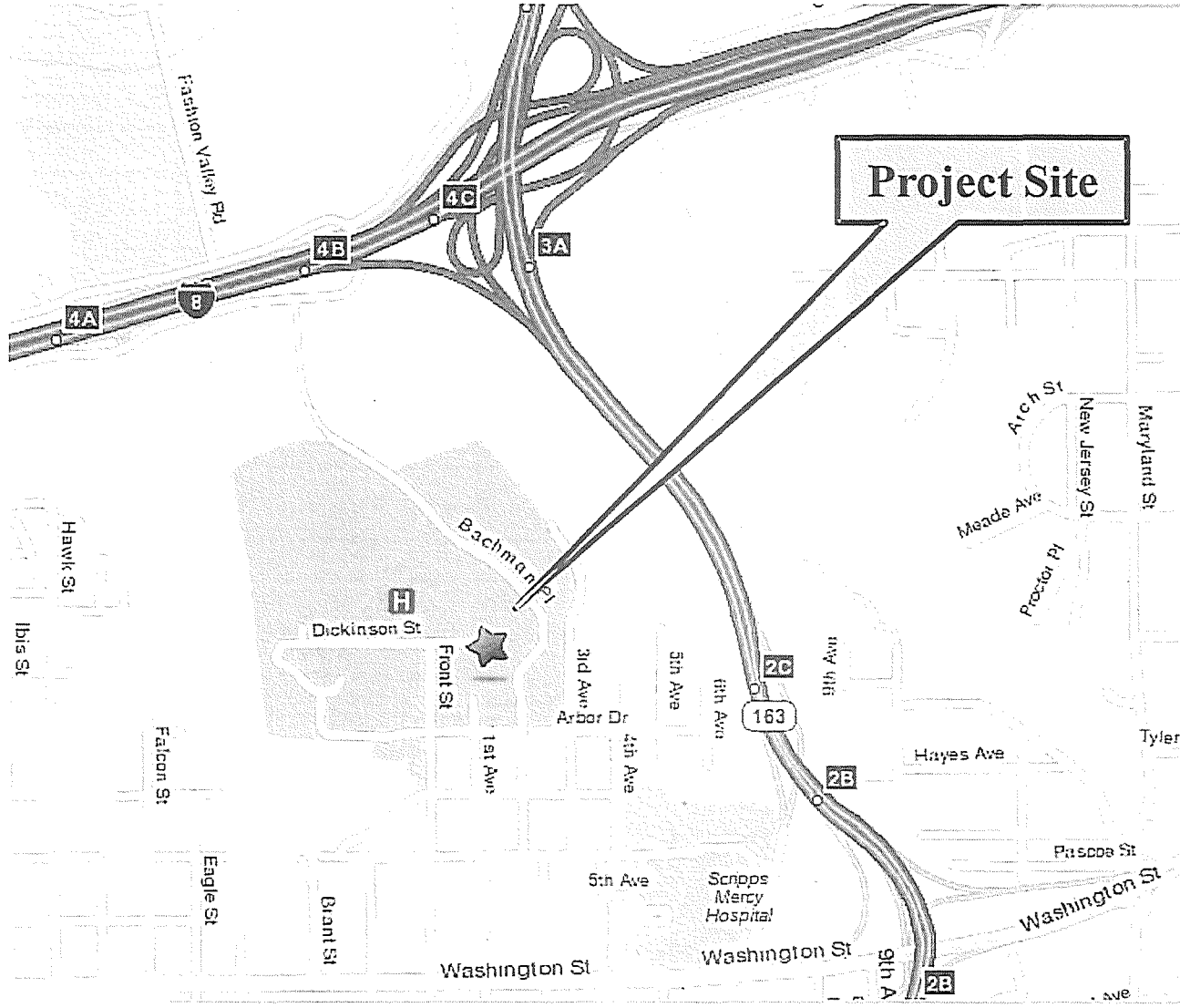
SHIRAZ MEDICAL CENTER - PROJECT NUMBER 157724
101 DICKINSON STREET





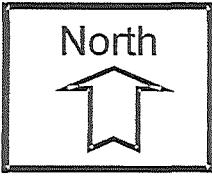
Land Use Map

SHIRAZ MEDICAL CENTER – PTS NO. 157724
101 DICKINSON STREET, SAN DIEGO



Project Location Map

SHIRAZ MEDICAL CENTER – PROJECT NUMBER 157724
101 DICKINSON STREET



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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-1028

SITE DEVELOPMENT PERMIT NO. 561291
SHIRAZ MEDICAL CENTER - PROJECT NO. 157724 (MMRP)
HEARING OFFICER
DRAFT

This Site Development Permit (SDP) is granted by the Hearing Officer of the City of San Diego to SHIRAZ PARTNERS, L.P., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 132.1402, 1512.0203 and 142.0540(c). The 0.73-acre site is located at 101 Dickinson Street in the NP-1 and RS-1-1 Zones of the Mid-City Communities Planned District, the FAA Part 77 Overlay Zone, and the Community Plan Implementation Overlay Zone (CPIOZ) Area 'B' within the Uptown Community Plan. The project site is legally described as Lots 9-12, Block 5 of First Street Addition, Map No. 896 and Parcel 1 of Parcel Map No. 12168.

Subject to the terms and conditions set forth in this Permit, permission is granted to demolish 3 single-family units and 16 multi-family units and allow deviations for the construction of a 72,187-square foot, 4-story medical office building with five levels of subterranean parking on a 0.73-acre site described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 27, 2010, on file in the Development Services Department.

The project shall include:

- a. The demolition of 3 single-family units and 16 multi-family units addressed as 112 – 118 Dickinson Street, 110 Dickinson Street, 104 – 108 Dickinson Street, A-H Dickinson Street, 101 Dickinson Street and 102 Dickinson Street;
- b. The construction of a 72,187-square foot, 4-story medical office building with five levels of subterranean parking;

ATTACHMENT 5

- c. The following eight deviations are granted, as more fully described in Condition No. 44 this permit and as shown on Exhibit "A";
 - a. A deviation to allow a maximum overall structure height of 100' for the proposed medical office building where a maximum overall structure of 70' is permitted due to the topography of the site;
 - b. A deviation to allow a maximum structure height of 94' for the proposed medical office building where a maximum structure height of 60' is permitted where the structure is above enclosed parking;
 - c. A deviation to allow a front yard area of 2,583 square feet where 2,994 square feet is the minimum required and is a 14% deviation;
 - d. A deviation to allow a interior side yard setback of 6 feet (for the stairwell on the west end of the buildings' third floor), where 9 feet is the minimum required and 6 feet (for the stairwell on the west end of the buildings' fourth floor), where 12 feet is the minimum required;
 - e. A deviation to allow a rear yard setback of 10'-1" where 15'-0" is the minimum required;
 - f. A deviation to allow two driveways where one is the maximum allowed;
 - g. A deviation to allow for the separation distance between two driveways of 17' where 45' is the minimum required.
 - h. A deviation to allow for a circular loop for automobiles on the property instead of the requirement for a cul-de-sac at the end of Dickinson Street.
- d. Off-Street parking;
- e. A retaining wall located southwest of the medical office building at 68' long and ranges from 0 to 18'-5" high;
- f. Landscaping (planting, irrigation and landscape related improvements); and
- g. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

2. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent

ATTACHMENT 5

of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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.

12. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Sec. 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish & Game Code sec. 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. 00-18394.

13. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Section 9.6 and 9.7 of the IA.

ENGINEERING REQUIREMENTS:

14. The project proposes to export 41,950 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

16. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

17. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance Agreement, from the City Engineer, for the parking structure encroaching in the Dickinson Street Right-of-Way.

18. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the construction of current City Standard curb, gutter and sidewalk, adjacent to the site on Dickinson Street.

19. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the construction of two current City Standard concrete driveways , adjacent to the site on Dickinson Street.

20. Prior to the issuance of any building permits, the applicant shall obtain a Letter of Permission from the adjacent property owners for the proposed offsite grading, brow ditches and splash wall.

21. Prior to the issuance of any construction permit, the Applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permit, the Applicant 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.

23. Prior to the issuance of any construction permit the Applicant shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

24. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

25. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

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

27. The Permittee shall comply with all current street lighting standards, according to the City of San Diego Street Design Manual (Document 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by the City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (But not limited to) installation of new street lights(s), upgrading light from low pressure to high-pressure sodium vapor and/or upgrading wattage.

GEOLOGY REQUIREMENTS:

28. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

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

ENVIRONMENTAL /MITIGATION REQUIREMENTS:

30. Prior to the issuance of any construction permit the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures for Biological Resources/Land Use (Multiple Species Conservation Program), Paleontology, and Transportation have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "ENVIRONMENTAL/MITIGATION

ATTACHMENT 5

REQUIREMENTS: Shiraz Medical Center (Project No. 157724).” In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

31. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego’s Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Paleontologist, Project Consultant Biologist, Applicant and other parties of interest.

32. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued buy the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

33. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in MITIGATED NEGATIVE DECLARATION, NO. 157724, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological, Biological Resources/Land Use (Multiple Species Conservation Program), and Transportation.

LANDSCAPE REQUIREMENTS:

34. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take indicate an area equal to 40 square feet 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.

35. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, 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 Office of the Development Services Department.

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

37. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

ATTACHMENT 5

38. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual; Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

39. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

40. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Invasive plant species found within "Attachment 1" of the submitted Biological Survey Report; the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

41. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the development area of the premises when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [LDC 142.0403(b) (2)].

42. Prior to issuance of any construction permits for buildings; the Owner/Permittee shall provide the following "updated" Tree Protection Notes on the Landscape Construction Plans:

- a. A temporary fence will be placed around existing trees at the drip line.
- b. Stockpiling, topsoil disturbance, construction material storage, vehicle use, foot traffic, and storage of any kind is prohibited within the drip line.
- c. Root systems of existing trees on site will be protected from flooding, erosion, chemical spills, and excessive wetting and drying during dewatering.
- d. The existing grade will be maintained within the drip line of existing trees on site.
- e. Roots of existing trees on site will be cut approximately 6 inches back from new construction and all cuts will be sealed with wood paint as manufactured by Flintkote or approved equal.
- f. Maintain and document a tree watering schedule during construction.
- g. All damaged trees will be replaced with one of equal or greater size.

PLANNING/DESIGN REQUIREMENTS:

43. No fewer than 297 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

44. Notwithstanding the specific deviations, there shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision, which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

45. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as specified in condition No. 44 of this Permit.

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

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

48. 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:

49. Prior to the issuance of the certificate of occupancy, the existing east bound left turn pocket on Washington Street on to the Northbound 163 ramp at Richmond Street shall be lengthened by approximately 125 feet with a 120-foot transition to the satisfaction of the City Engineer.

WASTEWATER REQUIREMENTS:

50. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

51. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
52. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
53. All on-site wastewater systems shall be private. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
54. Sewer lateral connections shall be made in accordance with Table 2-6 Of the City of San Diego sewer design guide.

WATER REQUIREMENTS:

55. The Owner/Permittee shall replace the existing 4-inch diameter AC water main with a 12-inch diameter water main with in Dickinson Street from Front Street to the frontage of the project.
56. The Owner/Permittee shall remove (kill) all existing unused water services and install new water services where appropriate.
57. The developer shall grant adequate water, and/or access easements, including vehicular access to each fire hydrant.
58. All proposed public water facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
59. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of any existing unused services, adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
60. All water services to the site, including domestic, irrigation, and fire, shall require private, above ground back flow prevention devices (BFPDs). The Water Department will not permit BFPD installations below grade or within structures.
61. 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) within the development, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

ATTACHMENT 5

62. Prior to the issuance of any certificates of occupancy, the public water facilities, necessary to serve this development, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

63. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," shall be modified at final engineering in accordance with accepted studies and standards.

64. No structures or landscaping that would inhibit access shall be installed in or over any water access easement.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §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 January 27, 2010, Resolution No. HO-XXXX

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

JOB ORDER NUMBER: 24003462

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 611808
EXTENSION OF TIME TO SITE DEVELOPMENT PERMIT NO. 561291
PROJECT NO. 157724

SHIRAZ MEDICAL CENTER – PROJECT NO. 306663: MMRP- NO. 157724
HEARING OFFICER

This EXTENSION OF TIME NO. 611808 is a three-year Extension of Time to previously approved SITE DEVELOPMENT PERMIT NO. 561291, PROJECT NO. 157724, and is hereby granted by the HEARING OFFICER of the City of San Diego to SHIRAZ PARTNERS, LIMITED PARTNERSHIP, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 0.73-acre site is located in the NP-1 (Neighborhood Professional) and RS-1-1 (Residential-Single unit) Zones of the Mid-City Communities Planned District, the Federal Aviation Administration Part 77 Overlay Zone, and the Community Plan Implementation Overlay Zone (CPIOZ) Area 'B' within the Uptown Community Plan. The property is legally described as Lots 9-12, Block 5 of First Street Addition, Map No. 896 and Parcel 1 of Parcel Map No. 12168.

Subject to the terms and conditions set forth in this Permit, and previously approved SITE DEVELOPMENT PERMIT NO. 561291, PROJECT NO. 157724, permission is granted to SHIRAZ PARTNERS, LIMITED PARTNERSHIP, Owner/Permittee to demolish three single-family units and 16 multi-family units with deviations for the construction of a 72,187-square-foot, 4-story medical office building with five levels of subterranean parking on a 0.73-acre site, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original approved SITE DEVELOPMENT PERMIT NO. 561291 PROJECT NO. 157724 approved by the Hearing Officer on January 27, 2010, is hereby extended as indicated within this permit until February 10, 2016.

The project shall include:

- a. A three year extension of time for the previously approved SITE DEVELOPMENT PERMIT NO. 561291 PROJECT NO. 157724.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to February 10, 2016 which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.
2. 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.
3. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
4. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for SITE DEVELOPMENT PERMIT NO. 561291 PROJECT NO. 157724, Recorded with the County of San Diego Recorder on February 12, 2010, Recorder's Document No. 2010-0073885, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §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 August 7, 2013, Resolution No. XXXX.

EXTENSION OF TIME NO. 611808
EXTENSION OF TIME TO SDP NO. 561291, PROJECT NO. 157724
DATE APPROVED: AUGUST 7, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Renee Mezo
Development Project Manager

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

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

SHIRAZ PARTNERS, LIMITED PARTNERSHIP
Owner/Permittee

By _____
NAME
TITLE

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

HEARING OFFICER RESOLUTION NO. XXXX
EXTENSION OF TIME NO. 611808
EXTENSION OF TIME TO SITE DEVELOPMENT PERMIT NO. 561291
SHIRAZ MEDICAL CENTER- PROJECT NO. 306663-MMRP NO. 157724
DRAFT

WHEREAS, SHIRAZ PARTNERS, LIMITED PARTNERSHIP, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to SITE DEVELOPMENT PERMIT NO. 561291, for the deviations for the construction of a medical office building over underground parking. The 0.73-acre project site is located at 101 Dickinson Street between Front Street and Bachman Place. The project site is also located in the NP-1(Neighborhood Professional) and RS-1-1 (Residential-Single unit) Zones of the Mid-City Communities Planned District, the FAA Part 77 Overlay Zone, and the Community Plan Implementation Overlay Zone (CPIOZ) Area 'B' within the Uptown Community Plan. The property is legally described as Lots 9-12, Block 5 of First Street Addition, Map No. 896 and Parcel 1 of Parcel Map No. 12168; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit "A" and conditions on file with the Development Services Department pursuant to SITE DEVELOPMENT PERMIT NO. 561291, PROJECT NO. 157724, with the exception of the expiration date; and

WHEREAS, the activity is covered under Mitigated Negative Declaration (No. 157724) was prepared and certified for the original project. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for the purpose of California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15162 and

BE IT FURTHER RESOLVED, by the HEARING OFFICER of the City of San Diego, that it adopts the following findings with respect to the Extension of Time No. 611808:

- 1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.**

There are no substantive changes proposed in the project that would place the occupants or immediate community in a condition dangerous to their health and safety. The proposed project would not change other than the expiration date to utilize the previously approved permit. The physical conditions of the site and surrounding neighborhood under which the previous project was approved have not materially changed and no new conditions are required to address public health and safety. All previous conditions of Site Development Permit No. 561291 would remain in full force and effect.

2. No new condition is required to comply with state or federal law.

No recent state or federal legislation has been enacted which would require any condition to be added to the extension of time permit for the previously approved project. All previous conditions of Site Development Permit No. would remain in full force and effect.

The above findings are supported by the minutes and exhibits, all of which are herein incorporated by reference; and

BE IT FURTHER RESOLVED that based on the findings hereinbefore adopted by the HEARING OFFICER, EXTENSION OF TIME NO. 611808 is hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in EXTENSION OF TIME NO. 611808, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE HEARING OFFICER OF THE CITY OF SAN DIEGO, CALIFORNIA, ON AUGUST 7, 2013.

By

Renee Mezo
Development Project Manager
Development Services Department

Internal Order No. 24003462



MITIGATED NEGATIVE DECLARATION

RECEIVED

JAN 18 2009

CHILDS MASCARELLI WARNER
ARCHITECTS

Project No. 157724
Job Order No. 43-1028
SCH No. Pending-
2009111022

SUBJECT: Shiraz Medical Center: Site Development Permit (SDP) for demolition of existing structures, and construction of 72,187-square-foot, 4-story medical office building with height and setback deviations, and five levels of an underground parking garage on a 0.73-acre (31,745-square-feet) site. The project is located at 101 Dickinson Street within the Uptown Community Plan, Federal Aviation Administration (FAA) Part 77 Notification Area and Community Plan Implementation Overlay Area B (Legal Description: Lots 9, 10, 11 and 12 in Block 5 of First Street Addition, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 896, Filed in the Office of County Recorder of San Diego County, May 14, 1903; and Parcel 1 of Parcel Map 12168, in the City of San Diego, County of San Diego, State of California, According to Map Thereof on File in the Office of The County Recorder of Said County, as Documented No. 82-170919, Recorded on June 4, 1982 of Official Records). Applicant: Shiraz Development, LLC

January 2010 Update: Minor edits have been made to the text. These revisions have been incorporated into the final document, and are shown in a strikeout/underline format. These revisions do not affect the environmental analysis or conclusions of the document. In accordance with CEQA Guidelines Section 15073.5 (c)(4), the revised environmental document would not be required to be recirculated.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego has conducted an Initial Study and determined that the proposed project could have a significant environmental effect in the following area: **Biological Resources/Land Use (Multiple Species Conservation Program), Paleontology, and Transportation**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

GENERAL MEASURES MUST BE COMPLETED PRIOR TO AUTHORIZATION TO PROCEED:

I. GENERAL

1. Prior to issuance of any construction permit the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures for Biological Resources/Land Use (Multiple Species Conservation Program), Paleontology and Transportation have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "ENVIRONMENTAL MITIGATION REQUIREMENTS: Shiraz Medical Center (Project No. 157724)." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Paleontologist, Project Consultant Biologist, Applicant and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

PALEONTOLOGICAL RESOURCES

II. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

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 paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

III. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution 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.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon 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

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME 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 which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

IV. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with

high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**

2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's 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.
 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 trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery 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.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - 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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) 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.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon 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 CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections IV - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section IV - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section IV-B, unless other specific arrangements have been made.
- B. If night 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 above shall apply, as appropriate.

VI. 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 Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum 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 Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 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.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report 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 until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

BIOLOGICAL RESOURCES

VII. LAND USE (MULTIPLE SPECIES CONSERVATION PROGRAM)

1. Prior to the issuance of any demolition/construction permits, the ADD Environmental Designee shall verify that all Multi-Habitat Planning Area (MHPA) boundaries and limits of work have been delineated on all construction documents.
 - a. Prior to the first pre-construction meeting, the Owner/Permittee shall provide a letter of verification to the Mitigation Monitoring Coordination Section stating that a qualified Biologist, as defined in the City of San Diego Biological Review References, has been retained to implement the projects MSCP monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project.
 - b. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
 - c. The qualified biologist (project biologist) shall attend the first preconstruction meeting and discuss the projects biological monitoring program.
 - d. In addition the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented:
 1. Prior to initiation of any demolition and/or construction-related grading, the

construction foreman and/or project biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.

2. The limits of work shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of work, as shown on the approved Exhibit A, shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading. All native plants or species of special concern, as identified in the biological technical report, shall be staked, flagged and avoided within Brush Management Zone 2, if applicable.
3. Invasive non-native plant species shall not be introduced into areas adjacent to the MHPA. Landscape plans shall contain non-invasive native species adjacent to sensitive biological areas as shown on approved the Exhibit A.
4. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. If lighting adjacent to the MHPA is required for nighttime construction, it shall be directed away from the preserve and the tops of adjacent trees with potentially nesting raptors, using appropriate placement and shielding.
5. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area, as shown on the approved Exhibit A. All construction activities shall not encroach into sensitive biological areas within either the open-space and/or MHPA areas. The project biologist shall monitor construction activities, as needed, to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of work as shown on the approved Exhibit A.
6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading, as shown on the approved Exhibit A. All construction related debris shall be removed off-site to an approved disposal facility.

VIII. BIOLOGY BIRD MITIGATION

1. If project grading is proposed during the typical bird breeding season (i.e. Feb. 1-Sept. 15), the project biologist shall conduct a pre-grading survey for active nests in the development area and within 300 to 500 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD of Entitlements Division shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

TRANSPORTATION

1. Prior to the issuance of the certificate of occupancy, the extension of the east bound left turn pocket from Washington Street on the Northbound 163 ramp shall be completed to the satisfaction of the City Engineer.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

State of California
State Clearinghouse (46)

City of San Diego
Councilmember Todd Gloria, District 3
Planning Department (MS 4A)
Central Library (81A)
City Attorney (MS 59)
Development Project Manager, Renee Mezo (MS 501)
Senior Environmental Planner, Anna McPherson (MS 501)
LDR-Planning, Corey Braun (MS 401)
LDR-Engineering, Jack Canning (MS 501)
LDR-Landscaping, Jeff Oakley (MS 501)
LDR-Geology, Patrick Thomas (MS 401)
LDR-Wastewater and LDR-Water, Hamid Bagheri (MS 922)

LDR-Transportation, Ann French Gonsalves (MS 501)
Plan-Long Range Planning, Marlon Pangilinan (MS 4A)
Fire-Plan Officer-Bob Medan
Plan-Facilities Financing, Oscar Galvez III (MS 606F)
Plan-MSCP, Craig Hooker (MS 5A)
Plan-Historic-Kelly Saunders (MS 5A)
Park and Recreation, Jeff Harkness (MS 5A)
ECP - Linda Marabian (MS 609)
ECP - Farah Mahzari (MS 609)

Biological Report Distribution:

U.S. Fish and Wildlife Service (23)
California Department of Fish and Game (32)
Environmental Law Society (164)
Sierra Club (165)
San Diego Audubon Society (167)
Mr. Jim Peugh (167A)
California Native Plant Society (170)
Center for Biological Diversity (176)
Endangered Habitat League (182A)
MSCP Reviewer (MS 4A)
MMC (MS 1102B)

Historical (Archaeology) Report Distribution:

Historical Resources Board (87)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
San Diego Archaeological Society, Inc. (218)
Native American Heritage Commission (222)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-R) **Public Notice Only**
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Band of Mission Indians (225C)
Jamul Band of Mission Indians (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueno Indians (225L)

La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Los Coyotes Band of Mission Indians (225R)

Historical (Architectural) Report Distribution:

Historical Resources Board (87)
South Coastal Information Center (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
San Diego County Archaeological Society, Inc. (218)

Other

Hillcrest Association (495)
Middletown Property Owner's Association (496)
Mission Hills Heritage (497)
Uptown Planners (498)
Hillside Protection Association (501)
Banker's Hill Canyon Association (502)
Allen Canyon Committee (504)
Milton Phegley (505)
Michael Fontana
Badiee Development, Inc., Attn: Ben Badiee
Shiraz Development, LLC, Attn: Ron Sutliff (Applicant)
University of California San Diego, Gary Matthews
George Wedemeyer
Mr. and Mrs. John Chamuler
Mr. and Mrs. Steve Mielke
Pedro J. Sanchez-Catala
Mr. and Mrs. Carl Anderson

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.

Anna L. McPherson

Anna L. McPherson ~~Martha Blake~~, Senior Planner, AICP
Development Services Department

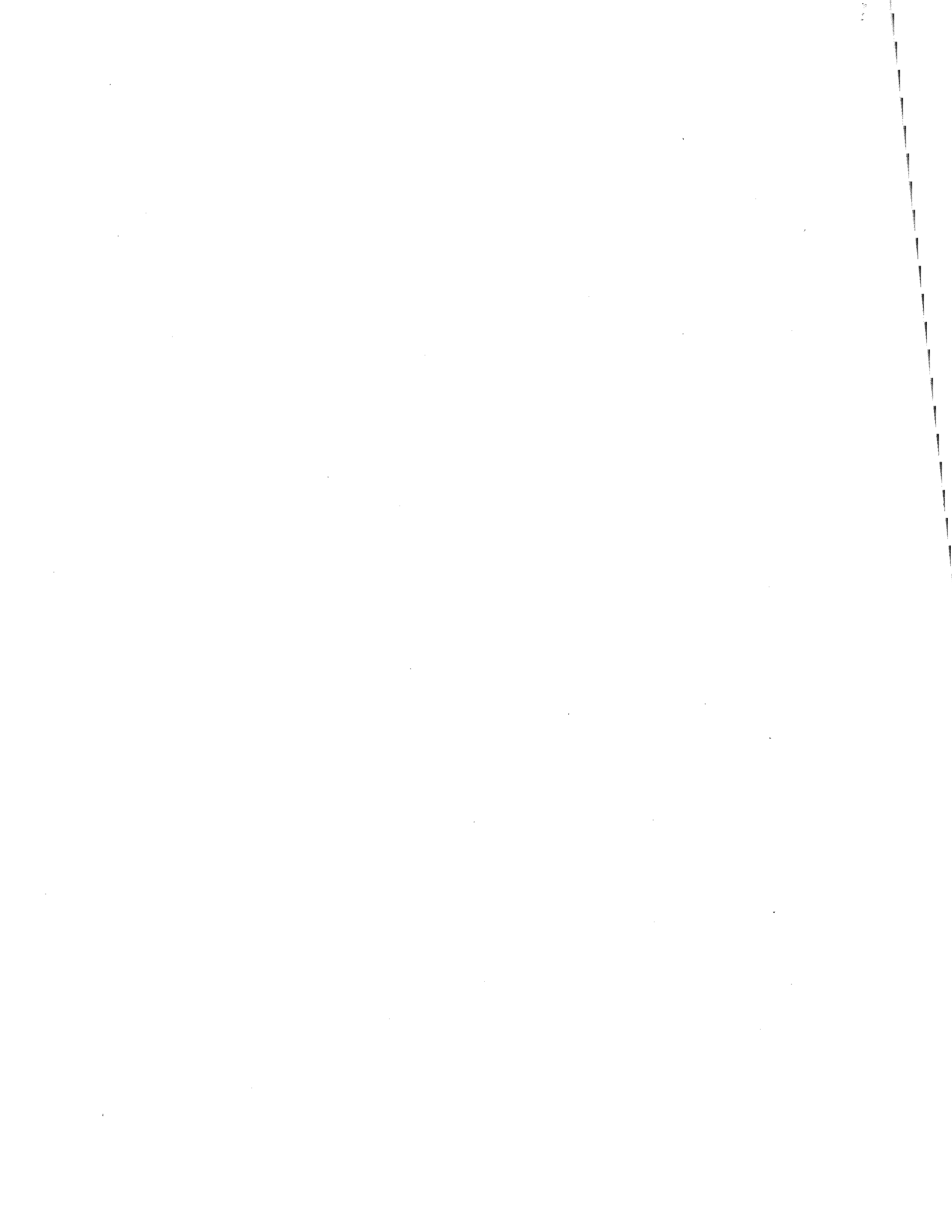
October 28, 2009

Date of Draft Report

January 7, 2010

Date of Final Report

Analyst: R. Benally



City of San Diego
Development Services Department
ENTITLEMENTS DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 157724
Job Order No. 43-1028
SCH No. ~~Pending~~
2009111022

SUBJECT: Shiraz Medical Center: Site Development Permit (SDP) for demolition of existing structures, and construction of 72,187-square-foot, 4-story medical office building with height and setback deviations, and five levels of an underground parking garage on a 0.73-acre (31,745-square-foot) site. The project is located at 101 Dickinson Street within the Uptown Community Plan, Federal Aviation Administration (FAA) Part 77 Notification Area and Community Plan Implementation Overlay Area B (Legal Description: Lots 9, 10, 11 and 12 in Block 5 of First Street Addition, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 896, Filed in the Office of County Recorder of San Diego County, May 14, 1903; and Parcel 1 of Parcel Map 12168, in the City of San Diego, County of San Diego, State of California, According to Map Thereof on File in the Office of The County Recorder of Said County, as Documented No. 82-170919, Recorded on June 4, 1982 of Official Records). Applicant: Shiraz Development, LLC

January 2010 Update: Minor edits have been made to the text. These revisions have been incorporated into the final document, and are shown in a **strikeout/underline** format. These revisions do not affect the environmental analysis or conclusions of the document. In accordance with CEQA Guidelines Section 15073.5 (c)(4), the revised environmental document would not be required to be recirculated.

I. PURPOSE AND MAIN FEATURES:

The proposed project would require a Site Development Permit (SDP) for demolition of existing structures, and construction of 72,187-square-foot, 4-story medical office building with height and setback deviations, and five levels of an underground parking garage on a 0.73 (31,745-square-foot) site. The first floor would be approximately 11,935-square-feet, the second floor would be approximately 19,866-square-feet, the third floor would be approximately 20,193-square-feet, and the fourth floor would be approximately 20,193-square-feet for a total Gross Floor Area of 72,187-square-feet and 60,007-square-feet, five levels of an underground parking garage. The proposed Floor Area Ratio (FAR) for the entire site is 2.27 to be constructed completely in the NP-1 zone where the maximum permitted FAR is 2.5; and no construction in the RS-1-1 zone where the maximum permitted FAR is 0.45. The underground parking garage is not included in the FAR.

Project implementation would require grading of approximately 42,000 cubic yards at a maximum depth of 56'-0" on 0.72 acres, and 50 cubic yards of fill at a maximum depth of 13'-0" and the export of 41,950 cubic yards. A retaining wall would be located southwest of the proposed medical office building and would be approximately 68'-0" long and range from 0 to 18'-5" high.

Two-hundred ninety-seven (297) parking spaces (including 10 accessible spaces) would be provided where 289 parking spaces are required; and access would be provided from Dickinson Street. In addition, the project would provide approximately 47,010-square-feet in an open parking spaces onsite. Six bicycle racks and 2 bicycle lockers would be provided onsite.

Associated improvements consist of curb cuts, seat walls, sidewalks; and 24'-0" and 30'-0" driveways. The project has a significant amount of historically scored sidewalks; which it would be a condition of the permit that these sidewalks would either be preserved in place or relocated and set nearby.

The building would consist of stucco finish, spandrel glass, insulated vision glass and metal roof, and perforated metal panel railing. Landscaping would be in conformance with the City's Landscape Development regulations.

The project proposes the following building height deviations: the building height at the highest point above grade would be 94'-0" where the maximum building height allowed (where the building is above underground parking) is 60'-0"; and the project proposes an overall height of 100 feet where the maximum overall height allowed is 70'-0" which would be a 43 percent deviation from the regulation.

The project proposes the following setback deviations: the project would have deviations to the side yard setback of 6'-0" on the west elevation where a 9'-0" setback is required on the third floor, and a 12'-0" setback is required for the fourth floor. The project proposes a deviation of a front yard area of approximately 2,583 square feet where a front yard area of 2,994 square feet is required. The project also proposes a rear yard setback of 10'-1" where a rear yard setback of 15 feet is required.

II. ENVIRONMENTAL SETTING:

The project site located at 101 Dickinson Street in the NP-1 (Neighborhood Professional) and RS-1-1 (Residential--Single Unit) zones in the Uptown Community Planning area. The topography of the site ranges from 255 feet above Mean Sea Level (MSL) to 290 feet above MSL. The developed portion of the site is relatively flat; however the eastern half of the site consists of steep slopes. Further, the northeastern area of the site slopes down into a canyon that connects to the Multi-Habitat Planning Area (MHPA); however the project site is not

located within but is approximately 21 feet south of the MHPA. The developed area is comprised of nine existing residential building structures.

On May 2, 1989, City Council redesignated the site from Open Space to Hospital. The Uptown Community Plan designates the site and the east, west and south as Industrial-Hospital, and the area to the north as Open Space. The west and north is zoned MR-3000 (Residential), and the east and south is zoned NP-1. The surrounding land uses are University of California San Diego (UCSD) to the west, north and east; and several existing modular buildings are located south across Dickinson Street. The project is located within the Federal Aviation Administration (FAA) Notification Area for Lindberg Field Airport; however the project received a clearance letter that the project would not be a hazard to Air Navigation.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

DISCUSSION:

All the reports listed in the initial study and checklist are available for public review in the offices of the Entitlements Division at 1222 First Avenue, San Diego, CA 92101, 5th floor via a prior appointment with the environmental analyst listed in the MND.

The following environmental issues: Biological Resources, Paleontology, Transportation/~~Parking/Circulation~~ was considered during the review of the project and determined to be significant. Implementation of Section V –Mitigation Monitoring and Reporting Program (MMRP) of the attached MND would reduce impacts from the proposed project to below a level of significance.

BIOLOGICAL RESOURCES

A "Result of the Biological Survey for the Shiraz Medical Center (RECON NUMBER 4905B) (PTS) No. 157724," was prepared by Recon Consulting, March 5, 2009. On October 14, 2008, a biological survey was conducted by Recon biologists, Anna Bennett and Beth Proscal, between the hours of 10:00 AM and 11:00 AM. The topography of the site ranges from 255 feet above MSL to 290 feet above MSL. The developed portion of the site is relatively flat; however the eastern half of the site consists of steep slopes. Further, the northeastern area of the site slopes down into a canyon that connects to the Multi-Habitat Planning Area (MHPA); however the project site is not located within but is approximately 21 feet south of the MHPA (see Site Plan).

The biological survey comprised of approximately 0.55 acres of developed land and 0.18 acres of Eucalyptus Woodland for a total of 0.73 acres. The developed land consists of nine existing residential building structures, and the eastern and southern most edge of the site consists of Eucalyptus Woodland (EW) vegetation cover. According to the City's Biological Review References (2002) EW is considered Tier IV habitat. The EW is dominated by blue gum (*Eucalyptus globulus*) and baby sun rose (*Aptenia cordifolia*). The report states very

few scattered individual native plant species are dispersed within this cover type. Of the 34 plant species observed onsite, only six were native. The project site primarily contains an abundance of non-native vegetation and limited cover of native species which is considered highly disturbed.

No sensitive vegetation communities nor were any wildlife species observed on the project site and none are known or expected to occur in the project vicinity; therefore, no significant impacts would occur to sensitive plant or wildlife species. Based on the City's CEQA Significance Determination Thresholds (2007) impacts less than 0.10 acre of sensitive habitat (Tiers I, II, IIIA, and IIIB) are not considered significant, therefore mitigation will not be required. Tier IV habitat is not a sensitive habitat, and impacts to Tier IV does not require mitigation.

However because there are several EW onsite that could serve as raptor nesting habitat as well as indirect impacts to the MHPA, the applicant is required as a mitigation condition to provide biological monitoring, pre-grading bird surveys, and to incorporate specific measures to comply with the MHPA Land Use Adjacency Guidelines during grading/excavation activities as outlined in Section V, Mitigation, Monitoring, and Reporting, Program (MMRP) of the Mitigated Negative Declaration (MND). These measures would ensure that indirect impacts to biological resources would be reduced to below a level of significance.

PALEONTOLOGY

A "Geologic Reconnaissance Report, Proposed Shiraz Medical Center, 101 Dickinson Street, San Diego, California (October 31, 2008)," prepared by Ninyo and Moore, states the project site is underlain by the Mission Valley Formation. Mission Valley Formation is assigned a high paleontological resource sensitivity rating. The project proposes to grade approximately 42,000 cubic yards (CY) of soil cut at a maximum depth of 56'-0" for the proposal of an underground parking garage. According to the City of San Diego's CEQA Significance Determination Thresholds Guidelines impacts to high sensitive rating formations would be considered significant if a project proposes more than 1,000 cubic yards of soil cut at a maximum depth of 10 feet or greater.

Therefore, the project's proposed grading meets the City's CEQA Significance Determination Thresholds and could result in significant impacts to buried fossil resources within the Mission Valley Formation. Implementation of the MMRP during site grading, as described in Section V of the attached MND would therefore mitigate paleontological impacts to a level below significance.

TRANSPORTATION

The project site is located at 101 Dickinson Street, between Bachman Place and Arbor Drive in the Uptown Community Planning Area. The project would propose the demolition of existing buildings, and construction of a 72,187-square-foot, four-story medical building and an underground parking structure on a 0.73-acre (31,745-square-foot) site. The project would

provide 297 on-site parking spaces (including 10 accessible spaces), where a minimum of 289 parking spaces is required.

To assess the potential traffic impacts associated with the project, a "*Traffic Impact Analysis for Shiraz Medical Center*," was prepared by Urban Systems Associates, Inc. (February 26, 2009). The traffic report included five scenarios: existing, near term without project, near term with project, long-term (Year 2030) without project and long-term (Year 2030) with project conditions for street segments, intersections, and freeway segments.

The study area included twelve intersections and several street segments in the vicinity of the project site (Front Street, Dickinson Street, Arbor Drive, 1st Avenue, Washington Street, and SR-163 between Interstate 8 and 6th Avenue).

Based on trip generation rates from the City of San Diego Trip Generation Manual, the project would be expected to generate approximately 3,819 Average Daily Trips (ADTs) with 227 trips (187 inbound, 40 outbound) in the AM peak hour and 382 trips (110 inbound, 272 outbound) in the PM peak hour.

Traffic flows on roadway segments and at intersections are typically described in terms of "level of service". Levels of Service (LOS) range from LOS A (free flow, little congestion) to LOS F (forced flow, extreme congestion). In the City of San Diego, a facility operating at LOS D or better is considered to be operating at an acceptable level of service. Typically, if a project's impact would reduce the facility from acceptable to unacceptable level of service, the project impact would be considered significant and mitigation would be required. For facilities already operating at unacceptable levels of service, transportation significance thresholds are applied from the City's Significance Determination Guidelines.

The existing street segments analyzed operate at an acceptable LOS except for the segment of Washington Street between First Avenue and Third Avenue, which operates at LOS E. All of the existing intersections analyzed operate at LOS C or better.

Based on the near-term traffic analysis, analyzed street segments and intersections would continue to operate at acceptable levels of service with and without the project, except for the Washington Street segment between First Avenue and Third Avenue, which would continue to operate at LOS E with and without the project. The project impact is expected to be less than significant.

The long-term analysis showed three street segments on Washington Street (First Avenue to Third Avenue, Sixth Avenue to Eighth Avenue, and West of Richmond Street) would be expected to operate at LOS E with the project. However, the project's additional traffic on these street segments would not exceed a volume/capacity increment of 0.02. This increase is considered less than significant and therefore mitigation is not required.

The report concluded that the Northbound (NB) and Southbound freeway segments of SR-163 between Interstate 8 and 6th Avenue for existing; near-term (with/without project); and

long-term (Year 2030 with/without project) operate and would continue to operate at LOS D. Therefore no significant direct or cumulative impacts to the freeway segment analyzed would be expected and no mitigation would be required.

As stated in the traffic study, the consultant observed inadequate left turn storage on Washington Street at Richmond. The traffic study showed that the project would add about 25 vehicles during the PM peak (272 PM out x 0.09 ramp left turn traffic), and therefore, the applicant would propose lengthening the pocket about 125 feet and provide a standard 120 foot transition. This improvement would accommodate the added project traffic. Therefore, the MMRP for additional left turn storage, as described in Section V of the attached MND would be implemented with this project.

The following environmental issues: Historical Resources (Archaeology), Historical (Architectural), Water Quality, and Geology, were considered in depth during the review of the project and determined to be less than significant.

HISTORICAL RESOURCES (ARCHAEOLOGY)

The project proposes demolition of 9 existing one-story residences, and construction of a 72,187-square-foot, 4-story medical office building with height and setback deviations, and five levels of an underground parking garage on a 0.73-acre (31,745-square-foot) site.

A "Result of Cultural Survey for the Shiraz Medical Center in San Diego, California (November 13, 2008)," was prepared by Recon Consulting; and a field investigation was conducted on October 27, 2008 by Carmen Zepeda-Herman (Recon Archaeologist) of the Area of Potential Effect (APE). The report states that demolition and construction activities are anticipated to impact the APE which encompasses the entire lot.

Nine prehistoric sites, 17 historic sites and 1 prehistoric isolate have been recorded outside the project area within a one-mile radius. The closest recorded prehistoric site; SDI-18,995 is approximately 600 meters north-northwest of the project site. In 2008, this site was recorded as a shell scatter with small pieces of debitage and fire affected rocks. The report stated there are 233 addresses listed in the historic database within a one-mile radius.

A letter was sent to the Native American Heritage Commission (NAHC) by the consultant for a search of their sacred land files as well as a list of local Native American tribes, bands, or individuals who may have concerns about the cultural resources associated with the proposed project. NAHC response indicated the presence of Native American cultural resources, specifically around Mission Alcalá and the La Jolla Community; these two locations are approximately 4 to 6 miles from the project site. Also letters were sent by the project proponent to the Native American (NA) contact list provided by NAHC and that no responses have been received.

In addition, the consultant stated site record searches were conducted through the San Diego Museum of Man (SDMM) and South Coastal Information Center (SCIC). The record

searches at the SDMM and SCIC indicated no previously recorded prehistoric or historic cultural resources are present on subject property. Although no significant resources were identified on subject site, the report stated mitigation measures may be recommended by the NA contacts should any of NA have concerns regarding impacts to cultural or sacred resources as a result of the project.

Finally, the report concluded that no cultural resources were identified in the project area, and therefore no impacts are anticipated. Since impacts to significant historic resources have not been identified, mitigation would not be required.

HISTORICAL (ARCHITECTURAL)

The project proposes demolition of nine existing one-story residences, and construction of a 72,187-square-foot, 4-story medical office building with height and setback deviations, and five levels of an underground parking garage on a 0.73-acre (31,745-square-foot) site. The City of San Diego's criteria for determination of historic significance, pursuant to the California Environmental Quality Act (CEQA), includes the age (45 years or older), location, context, association with an important event and/or person, uniqueness, and integrity of the structure. In addition, the San Diego Municipal Code (SDMC) Section 142.0212 requires that all properties 45 years or older to be reviewed for potential historical significance.

A "Historical Assessment of the 102 Dickinson Street Residence, San Diego, California 92101 (May 2007)," and "Historical Assessment of the 104-118 Dickinson Street Buildings, San Diego, California 92103 (August 2007)," was prepared by Scott A. Moomjian, Esq. The building at 102 Dickinson Street is located on APN No. 444-311-10 and buildings at 104-118 Dickinson Street is located on APN No. 444-301-02. The subject property consists of an approximately 10,328-square-foot ~~and includes an~~ apartment building complex that consists of nine residential units. The nine residential units were constructed in 1940 and are identified as 104-118 Dickinson Street. These buildings were built in an Art Moderne architectural style and are one-story in height. Furthermore, the apartment building complex is divided into three sections: four apartment units are located along the eastern property boundary identified as 104, 104 ½, 106 and 108 Dickinson Street; four apartment units are located along the western property boundary identified as 112, 114, 116 and 118 Dickinson Street; and the remaining unit is a single-family residence located along the northern property boundary is identified as 110 Dickinson Street. The buildings at 104-118 are arranged in a "C" shape configuration. The report states with the exception of the residential unit at 110 Dickinson Street, the remaining buildings at 104-118 Dickinson Street are similar in appearance and configuration.

Also the subject property includes a two-story, Craftsman style single-family residence identified at 102 Dickinson Street which is located toward the rear or eastern property boundary and is not readily visible from the Public Right-of-Way. Historical research indicates that this residence was originally identified as 102 Dickinson Street; however the San Diego County Assessor's Building Records identify this building today as 121 Dickinson Street while inspection of this structure identifies this building as 102 "T" Dickinson Street.

Please note because the building was originally identified as 102 Dickinson Street the historical report references this building as this address. The building was constructed in 1924 by an unknown architect and/or builder. The building is rectangular in shape and consists of 468-square-feet of living space. The residence has not undergone substantial modifications or alterations since its original construction, but the building has had some minor changes, ~~to, but not limited to~~ including the removal of wood roof shingles, finished basement, stucco added to basement level, modification of front porch, a laundry area awning and a balcony addition. These changes have affected the original design of the building but have not adversely changed the original structure, ~~therefore,~~ the building retains its design element for integrity purposes.

According to the report, the buildings were multi-family residences converted to medical uses during the late 1970's and early 1980's then were converted back into multi-family residential uses in the early 1990's. Overall, the buildings appear to be in good condition and the property is landscaped with a central lawn area with mature trees, plants and shrubs.

The buildings at 104-118 Dickinson Street ~~is~~ are not a part of a finite group of resources related together in clearly distinguishable way, nor is it related together in a geographically definable area, historic interest or aesthetic value. The building does not represent the work of a master builder, architect, engineer, craftsman, builder or an important creative individual. The structure does not embody the distinctive characteristics of a style, type, period, or method of Art Moderne construction. The property has been determined not to have been directly linked to historically significant events or persons; the building does not possess an associative element for integrity purposes. The property is not historically and/or architecturally significant under local criteria, state or national significance criteria; it is not eligible for listing in the National Register or California Register of Historic Places, National Park Service or the State Historical Preservation Office.

The building at 102 Dickinson Street is not a part of a finite group of resources related together in clearly distinguishable way, nor ~~is it~~ are they related together in a geographically definable area, with historic interest or aesthetic value. The building does not represent the work of a master architect, designer, engineer, landscape architect, interior designer, craftsman, builder or an important creative individual. The structure does not embody the distinctive characteristics of a style, type, period, or method of Craftsman construction. The property has been determined not to have been directly linked to historically significant events or persons; the building does not possess an associative element for integrity purposes. The property is not historically and/or architecturally significant under local criteria, state or national significance criteria; it is not eligible for listing in the National Register or California Register of Historic Places, State Register of Historical Resources, State Historical Preservation Office.

In July 2008, Qualified City staff (QCS) (Kelly Saunders, Plan-Historic staff (PHS)) stated the structures on APN No. 444-311-10 were reviewed in April/May 2007 and these structures were determined not eligible for local designation under adopted HRB criteria, however, with the exception of the 1924 Craftsman located at 102 Dickinson Street, ~~s~~ Staff requested a

site specific Historical Resource Research Report (HRRR). PHS staff reviewed the report and staff concurred with the determination that the house was not eligible for local designation under any criteria. A separate site specific HRRR was also submitted for the structures on APN 444-301-02, and the historical report was also reviewed by PHS. However, PHS disagreed with the conclusion that the buildings were not significant, therefore, PHS staff docketed the project for an October 2007 hearing by the Historic Resources Board (HRB). HRB determined the property at 102 Dickinson Street did not meet local designation criteria nor were the properties at 104-118 Dickinson Street historically designated, and therefore, no further review by HRB staff or by HRB is required. In conclusion, QCS stated that unless there is substantial new information regarding the significance of these sites, no further historical analysis would be required. Since significant historical resources were not identified, mitigation would not be required.

WATER QUALITY

Water quality is affected by run-off containing soil and contaminants, and by the direct discharge of pollutants (point-source pollution). The proposed development would create new impervious surfaces and introduce substances to the site which could increase the volume of urban runoff into the watershed. Such runoff could contain oils, heavy metals, pesticides, fertilizers, and other non-point source contaminants that could be introduced into the storm water drainage system if not controlled.

According to the "Water Quality Technical Report for the Shiraz Medical Center, San Diego, California (August 25, 2009)," prepared by Latitude 33 Planning and Engineering, the report states the project lies within the Lower San Diego Area (Hydrologic Unit 907.1) of the San Diego watershed. The San Diego watershed is approximately 400 square miles. The major receiving water of this area is the San Diego River. According to the Clean Water Act (CWA) 303(d) list, the San Diego River is impaired for fecal coliform, phosphorus, low dissolved oxygen, and total dissolved solids. The anticipated and potential pollutants categorized for this type of project include the following: sediment, trash and debris, nutrients, pesticides, bacteria and viruses, oils and grease and oxygen demanding substances.

The existing drainage pattern for the site generally flows west to east predominantly as sheet runoff across the parking, roadway and landscape areas; and most of the runoff is directed down slope on the east side of the project. Some of the runoff is directed into Dickinson Street which eventually flows into the public storm drain system at the intersection of Dickinson Street and Front Street. Also, cisterns would be incorporated into the design to detain the increased storm water run-off to maintain existing storm water run-off flows.

The project would incorporate Site Design, Source Control and Treatment Control BMPs. Implementation of the aforementioned measures would reduce potential environmental impacts to hydrology/water quality to below a level of significance.

GEOLOGY

According to the City of San Diego Seismic Safety Study, the project is mapped within Geologic Hazard Category 52. Geologic Hazard Category 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk.

An "Addendum to the Geotechnical Reconnaissance Report Proposed Shiraz Medical Center 101 Dickinson Street, San Diego, California (December 19, 2008)," and "Geotechnical Reconnaissance Report, Proposed Shiraz Medical Center, 101 Dickinson Street, San Diego, California (October 31, 2008)," was prepared by Ninyo and Moore to evaluate the general geologic and geotechnical conditions for the site.

The Geology Section of Development Services reviewed these reports and based on that review the geotechnical consultants have adequately addressed the soil and geologic conditions potentially affecting the proposed development. As a condition of the permit, the applicant would need to provide additional geotechnical information satisfactory to the City Geologist and Development Services Department. These measures would ensure that impacts to geological resources would be reduced to below a level of significance. No mitigation is required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

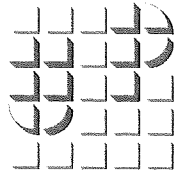
The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: R. Benally

Attachments: Figure 1-Location Map
Figure 2-Site Plan
Figure 3a-West Elevations
Figure 3b-South Elevations
Figure 3c-East Elevations
Figure 3d-North Elevations
Initial Study Checklist



UPTOWN PLANNERS
Uptown Community Planning Group
April 2, 2013
MEETING MINUTES
Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Chair Beth Jaworski.

Present: Ernie Bonn, Gary Bonner, Rhett Butler, Neil Ferrier, Tom Fox (Treasurer), Bob Grinchuk, Beth Jaworski (Chair), Don Liddell, Jim Mellos (in at 6:05), Joe Naskar (Vice-Chair, Acting Secretary), Janet O'Dea, Jennifer Pesqueira, Ken Tablang (in at 6:05), Chris Ward, and Matt Winter.

Absent: Kim Adler, and Tony Winney

Marlon Pangilinan and Bernard Turgeon, City of San Diego Senior City Planners, were present.

Approximately 40+ people were in attendance

I. Board Meeting: Parliamentary Items/ Reports:

Announcement by Secretary: (1) The meeting is being recorded. (2) Please sign in on the sign sheet. If you plan or think you might want to run for the Uptown Planners in the March 2014 election, you are required to attend 3 meetings of the Uptown Planners. Uptown Planners Bylaws: Article 3, Section 2 "An individual may become eligible member of the Uptown Community by attending three meetings of the Uptown Planners within the preceding 12 months and submitting an application by no later than seven day prior to the March General Election."

Board Appointment to Fill Seat Vacated by Kim Adler - Withdrawn

Chair Jaworski announced that Kim Adler's resignation from Uptown Planners had not been submitted in writing, and that she had withdrawn her resignation. She retains her seat on the board.

Election of Officers.

As described in the Uptown Planner's Bylaws, officers are to be elected by the board at the April meeting each year. Beth Jaworski was nominated to remain as chair by Bonn; seconded by Butler. The board elected Jaworski by a vote of 12-0-1. Voting in favor: Bonn, Butler, Bonner, Ferrier, Fox, Grinchuk, Liddell, Naskar, O'Dea, Pesqueira, Ward, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

Joe Naskar was nominated to serve as Vice-Chair by Pesqueira; seconded by Bonn. The board elected Naskar by a vote of 11-0-2. Voting in Favor: Pesqueira, Bonn, Butler, Bonner, Ferrier, Fox, Grinchuk, Liddell, O'Dea, Ward, and Winter. Voting against: None. Abstaining: Naskar and Non-voting Chair Jaworski.

Tom Fox was nominated to remain as Treasurer by Butler; seconded by Bonn. The board elected Fox by a vote of 12-0-1. Voting in favor: Butler, Bonn, Bonner, Ferrier, Fox, Grinchuk, Liddell, Naskar, O'Dea, Pesqueira, Ward, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

[Mellos and Tablang join meeting at 6:05]

Joe Naskar was asked to remain as Secretary until another board member could assume the duties. Nomination by Bonn; seconded by Butler. Naskar elected as Acting Secretary by a vote of 13-0-2. Voting in favor: Bonn, Butler, Bonner, Ferrier, Fox, Grinchuk, Liddell, Mellos, O'Dea, Pesqueira, Tablang, Ward, and Winter. Voting against: None. Abstaining: Naskar and Non-voting Chair Jaworski.

Adoption of Agenda:

Part V, Item 4; Remodel of Uptown Shopping Center presentation by Graham Downes was removed from Agenda per the request of the applicant who will present at a future date.

Agenda approved by consent.

Secretary Report - Determination of Vacancy:

Naskar reported to the Uptown Planners that he had been notified by Chris Ward that Don Liddell may have had 4 absences in the period of April 2012 to March 2013. Due to the late nature of the notification, there was not time to verify Liddell's attendance to ensure that the minutes don't contain any errors. Naskar stated that he would submit a written report to the Chair as required by the Bylaws by the next Uptown Planners meeting in May after has had opportunity to verify attendance.

Approval of Minutes:

Uptown Planner Minutes for Regular Meeting December 4, 2012; no revision submitted. Motion to approve made by Ferrier; seconded by Bonn. Motion passed by vote of 12-0-2 Voting in favor: Ferrier, Bonn, Butler, Bonner, Fox, Grinchuk, Mellos, Naskar, O'Dea, Tablang, Ward, and Winter. Voting against: None. Abstaining: Liddell and Non-voting Chair Jaworski. (Pesqueira left meeting during approval of minutes)

Treasurer's Report:

Treasurer Fox reported there was \$75.00 in the Uptown Planners bank account. (The bank statement indicates the Uptown Center has not deposited a check, and there is \$331.20 on statement)

Website Report:

No report submitted (Winney absent). Facebook update made by Chris Ward; he requested that the Facebook discussion be tabled for discussion at the June meeting as it was not properly noticed for the May meeting.

Chair/CPC Report:

Chair Jaworski reported that she attended the last CPC. They were visited by Mayor Filner who spoke about his goal of fulfilling his promise of creating a more open government; an open house is planned. Mark Kersey from Council District 5 discussed an infrastructure proposal to borrow money to fix existing assets. The CPC also supported allowing craft beers on industrial lands. Finally, the CPC heard about the land development code update being withdrawn to address sidewalk cafes.

II. Public Communication

Leo Wilson announced the success of the Bankers Hill Business Association and Metro CDCs craft beer event which was attended by nearly 350 people, and an upcoming event to support the Old Town Academy fundraising.

Janet O'Dea announced Soho's Walking tours and fundraiser on April & 13th & 14th.

Ann Garwood announced that Council President Todd Gloria will be visiting the Hillcrest Town Council on April 9th at 6:30

Close non-agenda public comments.

III. Representatives of Elected Officials:

Jessica Poole from Congresswoman Susan Davis' office spoke about the federal budget, the Congresswoman's letter to the President urging him to sign an executive order that would prohibit companies doing business with the federal government from discriminating against employees based on sexual orientation or gender identity, and her pursuit of funding the San Ysidro port of entry expansion. She also mentioned public events being hosted throughout the community. (Handout)

Jason Weiss from Assemblymember Toni Atkins' office spoke about the Assemblymember's letter to NRC on San Onofre reactor regarding its safety and her actions with the California Public Utilities Commission regarding the fairness of rate payers paying for upgrades to the facility that is offline. He also spoke about Assembly Bill 1229 regarding that local jurisdictions have authority to require inclusionary housing. (Handout)

Anthony Bernal from Council President Todd Gloria's office spoke about his first 100 days and Mr. Gloria's efforts in implementing the water policy task force, the transportation subcommittee, and the infrastructure committee. He also spoke about the community plan update regarding open space; he highlighted the Roosevelt joint use field, the joint use facility at Florence Elementary, and Grant Elementary. He also stated the desire to understand and progress on Olive Street Park in Bankers Hill. Rich Gorin asked about the status of the library (Mission Hills Branch Library). Mr. Bernal gave an update explaining that a donor has dedicated \$10 million with stipulations, along with the City allocating \$2 Million. Ian Epley asked if there would be an open design competition. (Handout)

Chris Ward from California State Senator Marty Block's office made no report.

IV. Consent Agenda:

No items added to consent agenda.

V. Potential Action Items: Projects

1. UPTOWN COMMUNITY PLAN UPDATE PROCESS; MISSION HILLS TOWN COUNCIL RECOMMENDATIONS -- Presentation by the Mission Hills Town Council of its community plan update recommendations of the Mission Hills community.

Mike Zdon from Mission Hills Town Council (MHTC) made a presentation regarding the Community Plan Update recommendations letter from MHTC. He first highlighted principles that the MHTC adopted in constructing its recommendations. They were: (1) Ensure that the quality, ambience, and character of Mission Hills is enhanced through any Community Plan Update; (2) Protect the historic nature of Mission Hills Development where appropriate; (3) Support Land Use changes that increase options for pedestrian and transit activity and encourage community interaction; (4) Encourage re-development that enhances the viability and sustainability of commercial neighborhood serving businesses where appropriate; and (5) Encourage diversity in the population of Mission Hills in terms of culture, income, and age by providing a variety of housing choice and cost.

MHTC had met with Mission Hills Heritage (MHH), and the Mission Hills BID (MHBID), and had reached consensus with Mission Hills Heritage. Area 7a would maintain the current 10-15 du/ac and providing re-development opportunities. Reynard Way south of Curlew to Laurel would be designated as neighborhood commercial (up to 29 du/ac) as it acts as an extension of Little Italy, North of Curlew to Sutter would be 15-29 du/ac, and no change from Sutter to University and Washington. The former rug cleaner lot would provide an open space opportunity should the property become available. Area 5, east of Eagle St. would remain 29-44 du/ac as it was in the old plan, allowing higher density. Area 8 would remain as single family, agreeing with MHH's recommendations.

The MHTC recommendations support MHH's recommendations for Areas: 1, 2a, 2b, 3, 4, 6, 7b, and 11. They continue to support the 11 recommendations put forward previously by the Western Slopes Community Association in a letter dated 9/17/2012.

The MHTC also recommends that a traffic study be commissioned to look at eliminating the left turn lanes along Reynard Way to increase parking, encourage traffic calming, and pedestrian access.

Barry Hager from MHH presented additional information regarding the consensus. He noted that there was wide support from the community as demonstrated by over 600 signatures on a petition including 150 from Area 8. Both groups have identified Areas that can accept some development.

Public Comment was taken. Leo Wilson stated that the compromise represents smart growth, and allows some density. Additional comments were made by Tom Mullaney, Maggie Forbes (Area 8 resident.), and Deirdre Lee spoke in favor of the recommendations presented.

Dominick Fiumie, 909/911 University, & 3936 Goldfinch owner (comments submitted), Richard Rechif (property owner, Fiori's), Ian Epley with time ceded by Mathias Gehl (comments submitted), Sharon Gehl with time ceded by Mike Gehl (comments submitted), Adrian Kwiatkowski, Brian Schroeter, and Rich Rechif spoke against some or all of the recommendations.

Public comment closed, and board comment began with Janet O'Dea supporting the recommendations noting the efforts the community has made to arrive at the recommendations. Ken Tablang suggested that mixed-use development along transportation corridors should be considered. Rhett Butler expressed objection to "down-zoning". Chris Ward suggested that there remain many development opportunities while maintaining the scale and character of Mission Hills. Ernie Bonn commented that Washington has become congested in regard to density along main corridors and increasing density. Matt Winter did not see density increases that meet the goals of SANDAG or the update goals set by the city. Jim Mellos also commented on traffic congestion. Joe Naskar questioned why Uptown is assumed to be the dedicated location to receive more density.

Motion by Jim Mellos to approve the recommendations presented by the Mission Hills Town Council and Mission Hills Heritage; seconded by Janet O'Dea. Motion passed by a vote of 10-3-2. Voting in Favor:

Mellos, O'Dea, Bonn, Bonner, Ferrier, Fox, Naskar, Pesqueira, Tablang, and Ward. Voting against: Butler, Grinchuk, and Winter. Abstaining: Liddell and Non-voting Chair Jaworski.

Jim Mellos asked Anthony Bernal for an update and opinion about the Mission Hills BID banner district, where banners are outside of the BID's boundaries. Mr. Bernal said he would look into the matter.

2. UPTOWN COMMUNITY PLAN UPDATE PROCESS: DRAFT LAND USE MAP --

Potential Action Item – Uptown -- Discussion of Uptown Community Plan Update Draft Planned Land Use Map; and proposed changes to underlying densities and zoning in Uptown — Marlon Pangilinan, Senior Planner, Development Services Department.

Marlon Pangilinan presented an updated draft land use maps regarding the summary that was distributed. Middletown, Bankers Hill - Park West, Mission Hills. Remaining to be discussed are University Heights, and Hillcrest.

University Heights updates shows parcels along Madison Avenue, Monroe Avenue, and Meade Avenue between Park Boulevard and Maryland Street be reduced from Residential-Medium Density 15-29 du/ac as proposed in the DRAFT Proposed Land Use Map to Residential-Low Density 5-9 du/ac to reflect single-family corridors. Maryland, Lincoln, Hayes, and Vermont would have a reduction in density to single family 5-9 du/ac. Staff will re-review northern part of Madison which shows an increase in density. Reductions along NW Cleveland, from 15-29 du/ac to 10-14 du/ac.

The DRAFT Proposed Land Use Map shows commercial corridors along Park Boulevard changing from 0-74 du/ac to 0-44 du/ac. Community Commercial along Washington and Lincoln changing from 0-44 du/ac to 0-29 du/ac (Hillcrest). School district site not a reduction in density, is a change in land use designation from Institutional school but underlying zoning MR-1500 which allows residential 15-29 du/ac following the recommendation. Along Normal, density would change from 0-44 du/ac to 15-29. Along Normal density would be change from 0-44 du/ac to 15-29 du/ac.

Some recommendations are not reflected in current Draft Land Use Maps as some areas are at the planned densities, and would need to be down-zoned; therefore, the recommendations have not been incorporated. Staff wants the recommendation from the Uptown Planners.

In Medical Center, re-designate adjacent properties on Bachman and Arbor currently owned by the USCD Medical center from Residential-High Density 45-74 du/ac to Institutional-Hospital. Northern part of Medical Center at the San Diego Hospice site is for sale. 8 acre (approx.) site is designated as Institution-Hospital, with an underlying zone of MR- 3000 allowing 10-14 du/ac.

In Mission Hills, Area 5 would be maintained Residential-Medium 0-44 du/ac; as well as 7a along University Avenue. Portion of Reynard Way South of Curlew would be re-designated from Residential 0-29 du/ac to Neighborhood Commercial 0-29 du/ac allowing for mixed use development. Area 10 currently designated as Residential-Medium 15-29 du/ac, and consideration of a neighborhood park (former Rug Cleaner site); the city may designate private property as a potential consideration in the plan update.

In Hillcrest, the business association has been the only organized group to provide input. They wish to maintain existing residential densities to support the businesses, and make them prosperous. The current plan shows 110 du/ac, and along eastern portions of University has a maximum 74 du/ac; in proposed plan all go down a level to 74 du/ac and 44 du/ac. Should the plan maintain the current densities 110 & 74 du/ac level, or is proposed 74 & 44 du/ac level supported?

Another proposal that was received was to consider flipping densities in eastern and western Hillcrest. Where would the delineation between the higher and lower densities occur; consideration has been given to SR-163 as a natural boundary.

6th Avenue, a prominent North-South street, has existing development (the Village Hillcrest), maintain lower density, and potentially develop a parking facility behind AT&T site, and higher density Eastward. At Robinson, a predominant East-West street (or possibly Pennsylvania) to serve as Southern boundary, allowing Northern portion to be lower density. Request Uptown Planners to consider these boundaries.

The floor opened to public comment. Kristin Harms, Chair of University Heights Historical Society (UHHS), reviewed the UHHS recommendations; these reflect the situation as it exists; generally a decrease in one level of density. (Recommendations allow an additional 3441 dwelling units) She also mentioned that a block by block analysis had been done, and multiple online community wide surveys, and community forums were done.

Additional public comments were received from Roy Dahl who supported flipping densities in Hillcrest, and noted that there are areas that have higher densities than originally planned. Rich Gorin supported flipping the densities in Hillcrest, written comments submitted. Ann Garwood suggested a West-Bound exit from SR-163 to make the transportation corridors to work better, noting ambulance access to Medical Complex (pg 13 Hillquest Urban Guide submitted). Dierdre Lee expressed concern about congestion on Washington and University and gridlock in Hillcrest.

Ian Epley commented that infrastructure has been upgraded and that traffic is from people passing through, not from within. Sharon Gehl supported the HBA proposals, the business don't want customers from outside, they want people who can walk to their businesses. Walt Chambers supported the HBA recommendations.

Tom Mullaney requested further discussion on each individual area. Nancy Moors supported staff recommended down-zoning to protect the unique character of Hillcrest; she also views HBA's recommendations as having ignored community input. Chair Jaworski noted Susan Fosselman's letter supporting the IHO. Public comment closed.

Board commented started with Jennifer Pesqueira stating that more parking needs to be provided in Hillcrest if density is to be increased, Joe Naskar noted that SR-163 did not appear to have any residential prohibitions like Middletown, and that the Mystic Park proposal should be considered. Tom Fox was supportive of the presentation with exception to the HBA's recommendations. Bob Grinchuk expressed concern about down zoning and supported the HBA's recommendations. Matt Winter did not support the decreases and saw no density increases in the update.

Ernie Bonn commented that the Training Annex should include open space if it is adapted into a library, also noting that there were no buffer zones or step downs from higher to lower density. She also questioned the higher density suggested for Medical Complex.

Chris Ward suggested that instead of calling lower density "down-zoning" that is be called "right zoning". He supported UHHS recommendations, and suggested exploring guaranteeing commercial sites (residential prohibited). Park Boulevard should remain at 74 du/ac. The Learning Annex should remain as institutional to protect the site.

Rhett Butler expressed strong opposition to density reductions, and down zoning prevented building what has been built in University Heights. He also suggested that there were no problems in UH. Ken Tablang commented on the lack of parking, and supported the switching of densities in Hillcrest. Janet O'Dea supported the UH recommendations.

Rhett Butler made a motion to review each neighborhood area separately; seconded by Neil Ferrier. Motion passed by a vote of 13-0-2. Voting in Favor: Butler, Ferrier, Bonn, Bonner, Fox, Grinchuk, Mellos, Naskar, O'Dea, Pesqueira, Tablang, Ward, and Winter Voting against: None. Abstaining: Liddell and Non-voting Chair Jaworski.

Chris Ward made a motion to support the alternate proposal to the 44 du/ac West of SR-163 and higher density East of SR-163 to Park Boulevard ;seconded by Bob Grinchuk. Passed by vote 13-0-3. Voting in Favor: Ward, Grinchuk, Bonn, Bonner, Butler, Ferrier, Fox, Mellos, Naskar, O'Dea, Tablang, and Winter Voting against: None. Abstaining: Pesqueira, Liddell, and Non-voting Chair Jaworski.

Chris Ward made a motion to recommend exploring an exit from Northbound SR-163, and the possibility of Mystic Park; seconded by Neil Ferrier. Discussion about previous recommendation supporting Mystic Park might be precipitous. Passed by vote 7-5-3. Voting in Favor: Ward, Ferrier, Bonner, Pesqueira, O'Dea, Tablang, and Winter Voting Against: Butler, Fox, Grinchuk, Mellos, and Naskar Abstaining: Bonn, Liddell, and Non-voting Chair Jaworski. Reason for abstention: Bonn: Not sure how it affects Mystic Park

Chris Ward made a motion to support staff recommendations for UCSD Medical Center and adjacent properties as noted to be re-designated as Institutional-Hospital and Office-Commercial; and reject the re-designation of Land Use categories and Hotel Circle South and San Diego Hospice sites; seconded by Tom Fox. Motion passed by vote of 6-2-6 Voting in Favor: Ward, Fox, Bonn, Ferrier, Grinchuk, and O'Dea, Voting against: Bonner and Butler Abstaining: Naskar, Pesqueira, Tablang, Winter, Liddell, and Non-voting Chair Jaworski (Mellos exited meeting prior to vote) Reasons for abstentions: Tablang wants to know more about use of Hotel Circle South; Winter: Not understanding all the implications of all the re-designations; Pesqueira: Not familiar with the area; Naskar: Not understanding enough of proposal to vote.

Rhett Butler made a motion not to support the down-zoning of University Heights; seconded by Matt Winter. Motion passed by vote of 6-5-3. Voting in favor: Butler, Winter, Ferrier, Fox, Grinchuk, and Chair Jaworski; voting to break a tie. Voting against: Bonn, Bonner, O'Dea, Tablang, and Ward. Abstaining: Naskar, Pesqueira, and Liddell. Reasons for abstentions: Pesqueira: Not familiar with the area; Naskar: Community has questions, and time should be given to UH community to find consensus like Missions Hills.

3. COMMUNITY PLAN UPDATE – PARK IDEAS EVALUATION – Uptown – Presentation of the evaluation of park ideas provided by the community to be considered for inclusion in the Recreation Element of the Uptown Community Plan Update as potential population-based park sites.

Howard Greenstein, Park Planner from the City of San Diego Planning Department, made an informational presentation regarding open space, parks, open space dedications, and upgrades to existing park space. He presented a matrix to assist in setting community priorities. There are 25 sites identified, even though more sites may exist. His handout included a map, priority criteria, and a priority matrix to assist the Uptown Planners making recommendations.

High priority sites included: Reynard Way, Robinson & 1st, West Maple Pocket Park, Park & Upas (existing facility), Olive Street Park, DMV site, Normal Street Median, Golden Gate Drive open space.

Mr. Greenstein would appear at a future meeting to request recommendations from the Uptown Planners.

Public comment made by Ian Epley asking what defines a park, and how will these be financed? Leo Wilson commented that parks and priorities need a tremendous amount of work and study to be committed to determine feasibility, and that the list where open space is being developed to be removed for the list.

Board comment started with Janet O'Dea noting that some of the sites are close to noise hazards. Rhett Butler asked why Mystic Park is identified as a moderate to low priority, CalTrans has expressed interest in the project. Ernie Bonn asked about the Balboa Park nursery; the area was not identified. Ken

Tablang supported the idea of a joint-use facility at Florence Elementary with parking, and AT&T (and post office) convert to parking. Gary Bonner questioned why an on-ramp is historic and is blocking Mystic Park, which is in a good location.

Item tabled for an undetermined future meeting.

4.UPTOWN SHOPPING CENTER – Removed from agenda.

VI. Potential Action Items: Planning

1. 3805-3807 KEATING STREET (“KEATING MAP WAIVER”) – Mission Hills – Tentative Map Waiver – Request for a Tentative Map Waiver (TMW) to create two residential condominium units (under construction) on a 0.22-acre site located at 3805-3807 Keating Street, in the MR-3000 Zone of the Mid-City Communities Planned District; FAA Part 77 Noticing; 100/300’ Bush Mgmt Setback Zone; Very High Fire Hazard Severity Zone.

Ashley Prikosovits presented the Keating Street tentative map waiver request.

Public comment made by Sol Schumer asked about decision to build in location.

Board comments made by Jennifer Pesqueira asked if there was sufficient parking; Ms. Prikosovits explained the projects parking allocation. No further comments made.

Motion to support the project as presented made by Chris Ward; seconded by Rhett Butler. Motion passed by vote of 12-0-2. Voting in Favor: Ward, Butler, Bonn, Bonner, Ferrier, Fox, Grinchuk, O’Dea, Naskar, Pesqueira, Tablang, and Winter. Voting against: None. Abstaining: Liddell, and Non-voting Chair Jaworski.

2. 101 DICKINSON STREET (“SHIRAZ MEDICAL CENTER EOT”) Process Three – Medical District – Extension of Time for Site Development Permit (Process 3) to demolish existing structures and construct a four story medical building with height and setback deviations on a 31,745 sq. ft. (0.73) site located at 101 Dickinson Street.

Aaron Werner with Mascari Warner Architects presenting. The project was previously presented and it has its site development permits. No changes are being proposed to the project as previously approved, with the exception of complying with drainage requirements by installing onsite collection vaults. The project will include a traffic mitigation measure of an Eastbound turning pocket on Washington onto SR-163. A condition of the permit is to make \$170K of pedestrian and traffic safety improvements.

Board comment from Jennifer Pesqueira regarding parking; the project has 5 levels of parking meeting the parking requirements. O’Dea asked how much time they were seeking in their extension; 36 months are allowed. Ernie expressed concern about loss of affordable housing .

No other public comments made.

Motion by Butler to support granting 36 month extension for permit; seconded by Pesqueira: Motion passed by vote of 11-1-2. Voting in favor: Butler, Pesqueira, Bonn, Bonner, Ferrier, Fox, Grinchuk, Naskar, Tablang, Ward, and Winter. Opposed: O’Dea. Abstaining: Liddell, and non-voting Chair Jaworski.

3. 2706 FIFTH AVENUE (“BARRIO STAR (CAMBURN) SIDEWALK CAFÉ NUP”)

Process Two – Bankers Hill/Park West – Neighborhood Use Permit to provide 116 sq. ft. sidewalk café with fences and railing located at 2706 Fifth Avenue in the Mid-Cities Planned District CV-1 zone.

Todd Camber, owner, and Reiss Williams, designer presenting. The applicants were seeking support in the application for a NUP for a 138 sq. ft. sidewalk cafe. There would be 20 feet of railing at Nutmeg, and 12 feet of railing at 5th Avenue. They would be 36 inches tall, with a 12 inch wide, 30 inch high eating counter; complying with all City and ADA regulations.

Public comments supporting the application was made by Leo Wilson; a welcomed addition to the neighborhood.

Board questions were made by Bob Grinchuk, asking how many people could be seated; approx 16. Tom Fox asked about landscaping; existing would remain, project is only a railing and eating counter.

Motion by Ferrier to support the item as presented; seconded by Fox . Motion passed by vote of 12-0-2. Voting in favor: Ferrier, Fox Butler, Bonn, Bonner, Grinchuk, Naskar, O’Dea, Pesqueira, Tablang, Ward, and Winter. Opposed: None. Abstaining: Liddell, and non-voting Chair Jaworski.

VII. Potential Action Items: Community

1. REQUEST FOR LETTER OF SUPPORT FOR THE APPOINTMENT OF JANET O’DEA TO THE CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD (HRB)

The 11 member (HRB) is an advisory board appointed by the Mayor and confirmed by City Council to administer the City’s historical preservation program. Membership represents the disciplines of architecture, history, architectural history, archaeology and landscape architecture. Duties include designating individual historical sites, establishing historical districts and reviewing development projects that may affect historical resources. Board members should reflect diverse neighborhood representation and have demonstrated a special interest in historical preservation.

A letter of request supporting Janet O’Dea to be appointed to the HRB. Ernie Bonn strongly recommended the Uptown Planners support Ms. O’Dea’s appointment. She would be an excellent representative, and has chaired the historic preservation subcommittee. Leo Wilson commented that he could think of no better person to be a part of the HRB.

Joe Naskar made a motion that Uptown Planners write a letter of support for Janet O’Dea’s appointment to the Historic Resources Board; that she will be a great representative for our community; and thanking her for all of her hard work, and. Motion passed by a vote of 11-0-3. Voting in favor: Naskar, Butler, Bonn, Bonner, Ferrier, Fox Grinchuk, Pesqueira, Tablang, Ward, and Winter. Opposed: None. Abstaining: O’Dea, Liddell, and non-voting Chair Jaworski.

VIII. Member Comments/Community Reports

VA Aspire - OTA - a report will be made at next Uptown Planners.

Rhett Butler requested to make a presentation about Mystic Park

No other reports

IX. Adjournment:

Motion to Adjourn made by Naskar; seconded by Ward. Motion passed by vote of 13-0-2. Voting in Favor: Naskar, Ward, Bonn, Bonner, Ferrier, Fox, Grinchuk, O'Dea, Mellos, Pesqueira, Tablang, Ward, and Winter. Opposed: None. Abstaining: Liddell and Non-voting Chair Jaworski.

X. NOTICE OF FUTURE MEETINGS

Next meeting is May 7, 2013, at 6:00 p.m., at the Joyce Beers Center meeting facility on Vermont Street in the Uptown Shopping Center.

Meeting adjourned at approximately 9:20 P.M.

Respectfully submitted,

Joe Naskar
Vice Chair and Acting Secretary

Ownership Disclosure
Shiraz Medical Center -Project No. 306663
Extension of Time

Shiraz Partners Limited Partnership:

Shiraz Developments Inc. is General Partner with 1% interest

Shiraz Medical Center, LLC is a limited partner with 49.5% interest –
(Behnam Badiee Trust Dated 2/18/99)

LJV Shiraz Investments Limited Partnership is a limited partner with 49.5%
interest

Shiraz Developments Inc. – has 2 shareholders:

Ledcor Properties Corporation – with 50% share – LPC's sole owner
is 1142238 Alberta Ltd.

Badiee Development, Inc. – with 50% share - (Behnam Badiee is the sole
shareholder)



THE CITY OF SAN DIEGO

DATE OF NOTICE: July 24, 2013

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	August 7, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	Site Development Permit-Extension of Time-Previous Mitigated Negative Declaration No. 157724, PROCESS 3
PROJECT NO:	<u>306663</u>
PROJECT NAME:	<u>SHIRAZ EXTENSION OF TIME</u>
APPLICANT:	AARON WERNER
COMMUNITY PLAN AREA:	UPTOWN
COUNCIL DISTRICT:	District 3
CITY PROJECT MANAGER:	RENEE MEZO, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5001, rmezo@san Diego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for an Extension of Time for a previously approved Site Development Permit to demolish existing structures and construct a 4-story medical building with height and setback deviations on a 0.73-acre site located at 101 Dickinson Street. The site is in the NP-1 & RS-1-1 zone, Community Plan Implementation Overlay Area B, within the Uptown Community Plan.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

A Mitigated Negative Declaration (No. 157724) was prepared and certified for the original project. This extension of time (EOT) was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous environmental document.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24003462

Revised 04/08/10 HRD