

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:	May 20, 2015	REPORT NO. HO-15-058
ATTENTION:	HEARING OFFICER	
SUBJECT:	27TH STREET UNITS; PROJECT NO. 37 PROCESS 3	70917
LOCATION:	911 27 th Street	
OWNER/ APPLICANT:	Almeria Investments, LP, a California Limi	ited Partnership

SUMMARY

<u>Requested Action</u>: Should the Hearing Officer approve the demolition of a single family dwelling unit and to construct a four unit residential apartment complex on a 0.188-acre site located at 911 27th Street in the Greater Golden Hill Community Planning area?

Staff Recommendation: APPROVE Site Development Permit No. 1298226.

<u>Community Planning Group Recommendation</u>: On March 11, 2015, the Greater Golden Hill Planning Committee voted 10-2-0 to recommend approval of the project (Attachment 10).

<u>Environmental Review</u>: This project is exempt from environmental review pursuant to Article 19, Section 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA). The project proposes additions and remodel of an existing singlefamily dwelling unit. The environmental exemption determination for this project was made on March 25, 2015, and the opportunity to appeal that determination ended April 9, 2015 (Attachment 11). This project is not pending an appeal of the environmental determination.

BACKGROUND

The proposed project site is located at 911 27th Street (Attachment 1), on the northeastern corner of 27th Street and E Street (Attachment 2). The property is in the GH-1500 Zone within the Golden Hill Planned District (Attachment 3), the Greater Golden Hill Community Plan (Attachment 4), the Airport Influence Area (AIA) Review Area 1, the 60 to 65 decibel (dB) Community Noise Equivalent Level (CNEL), and the Federal Aviation Administration (FAA)

Part 77 for the San Diego International Airport (SDIA), Transit Area Overlay Zone, and Council District 3. The zoning designation is a multi- family residential zone that requires 1,500 square feet of lot area per dwelling unit. The Greater Golden Hill Community Plan (GGHCP) designates the proposed project site for Medium Residential land use at 15-29 dwelling units per acre (DU/AC). The project site, occupying 0.188-acres, could accommodate five dwelling units based on the underlying zone and 3-5 dwelling units based on the community plan.

The surrounding properties have been previously graded and developed with existing singlefamily dwelling units to the east and west, and multi-family development to the north and south. The properties to the north are zoned GH-1250 within the Golden Hill Planned District (GHPD), and the land use designation is Medium High Residential land use at 29-44 DU/AC. The properties to the east, west and south are zoned GH-1500 within the GHPD, and the land use designation is Medium Residential land use at 15-29 DU/AC.

The project site is a corner lot with frontage on 27th Street and E Street. The parcel has been previously graded and developed with an existing single-family dwelling unit. The existing single-family dwelling unit was constructed in 1925. From 1951 through 2012, the property had several building permits for additions and additional alteration to the existing structure. A historical assessment was performed and City staff has determined that the property and associated structure would not be considered historically or architecturally significant in terms of architectural style, appearance, design, or construction associated with important persons or events in history. In addition, the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

DISCUSSION

Project Description:

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project site is a rectangular shaped lot and topography of the site slopes down from the northeastern corner to the southwestern corner with approximate elevations ranging for 205 feet Above Mean Sea Level (AMSL) to 190 feet AMSL. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain any other type of Environmental Sensitive Lands (ESL) as defined in San Diego Municipal Code (SDMC) Section 113.0103.

Development of the proposed project requires the approval of a Process Three Site Development Permit (SDP) for development within the GHPD exceeding the threshold of three units in the GH-1500 Zone pursuant to SDMC Section 158.0206(a)(2) and Table 158-02A, and for a deviation to the development regulations. Deviations within the GHPD may be granted through a Process 3 SDP in accordance with SDMC Section 158.0206(a)(3). Because the project utilizes renewable technologies and qualifies as a Sustainable Building, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

Project Related Issues:

<u>Deviation from the SDMC</u>- A deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone requires a minimum of 15 feet. The project fronts both 27th Street and E Street, and in accordance with SDMC Section 113.0246(a) the narrower frontage would be classified as the front property line (along E Street), the longest frontage would be classified as the street side property line (along 27th Street), and the parallel property line to the front would be classified as the rear property line (northern property line).

The GH-1500 Zone requires a minimum of 10 foot front yard setback; however, to comply with the 25 foot visibility area at the corner of 27th Street and E Street, the structure along E Street is setback to 19 foot 5 inches. The project proposes a 6 foot rear yard setback alone the northern property line, which is equivalent to the interior yard setback requirement of the GH-1500 Zone, to allow for the development to establish a front façade and entrance for three of the units along 27th Street. Staff has reviewed the requested deviation as it relates to the proposed design of the project, the property configuration with its topographic conditions, the visibility area impacts, and the surrounding development. Staff has determined that the deviations is appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations, while creating an architectural harmony with the preferred character of the neighborhood and community per the GHPD and the adopted GGHCP.

<u>Airport Land Use Compatibility</u> - The project is located in the Airport Influence Area (AIA) Review Area 1, the 60 to 65 decibel (dB) Community Noise Equivalent Level (CNEL), and the Federal Aviation Administration (FAA) Part 77 for the San Diego International Airport (SDIA). On September 4, 2014, the San Diego County Regional Airport Authority, serving as the Airport Land Use Commission (ALUC), voted 7-0-1 on a determination that the project is conditionally consistent with the SDIA-ALUCP, pursuant to Resolution No. 2014-0019 (Attachment 9). The conditions outlined in the resolution have been included in the Permit (Attachment 7).

Conclusion:

With the approval of the requested deviations, the proposed project meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted GGHCP, the GHPD, and the SDMC.

ALTERNATIVES

- 1. APPROVE Site Development Permit No. 1298226, with modifications.
- 2. **DENY** Site Development Permit No. 1298226, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

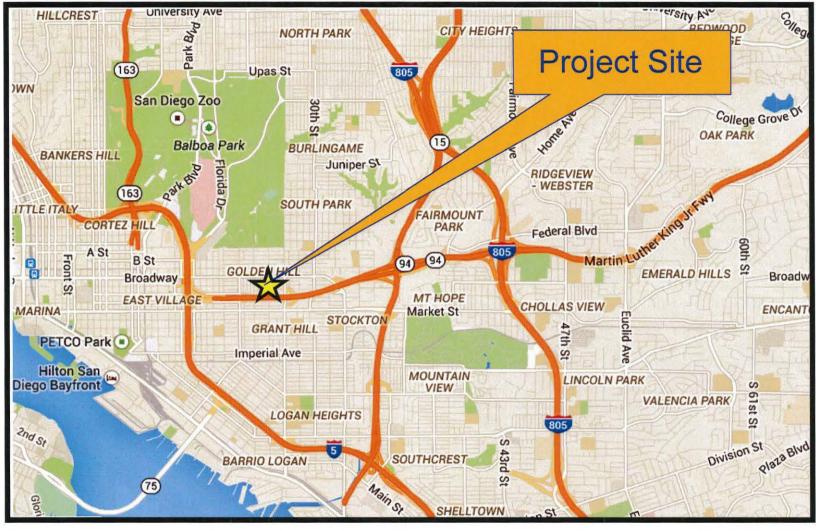
Jeffrey A Peterson Development Project Manager Development Services Department

PETERSON/JAP

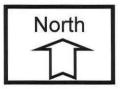
Attachments:

- 1. Location Map
- 2. Aerial Photograph
- 3. Zoning Map
- 4. Community Plan Land Use Map
- 5. Project Data Sheet
- 6. Project Plans
- 7. Draft SDP Permit with Conditions
- 8. Draft SDP Resolution with Findings
- 9. ALUC-Letter and Resolution 2014-0019
- 10. Greater Golden Hill Planning Committee Recommendation
- 11. Environmental Exemption
- 12. Ownership Disclosure Statement
- 13. Project Chronology
- 14. Copy of Public Notice (forwarded to HO)
- 15. Copy of Project Plans (full size-forwarded to HO)

Internal Order No. 24004717



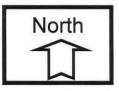


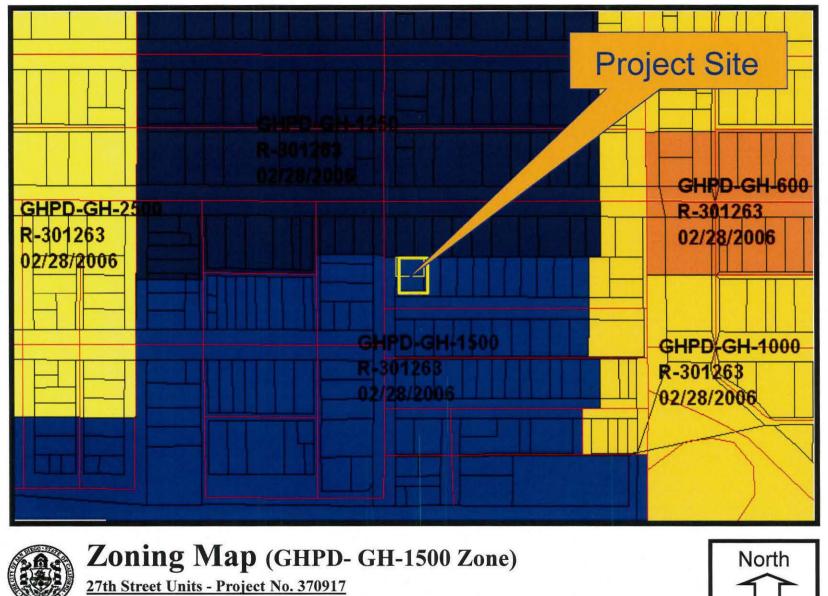




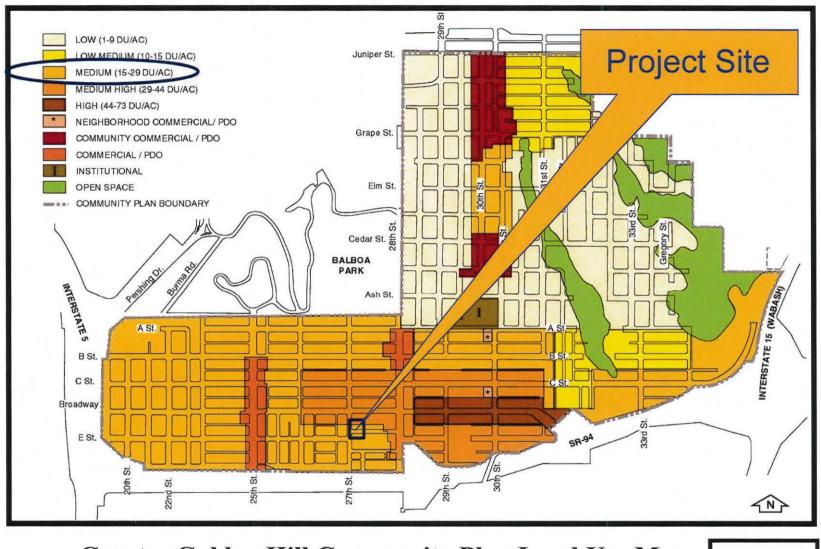


Aerial Photograph 27th Street Units - Project No. 370917 911 27th Street





911 27th Street





911 27th Street

Greater Golden Hill Community Plan Land Use Map 27th Street Units - Project No. 370917

North

PROJECT DATA SHEET

PROJECT NAME:	27th Street Units - Project No. 370917
PROJECT DESCRIPTION:	Demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site.
COMMUNITY PLAN AREA:	Greater Golden Hill
DISCRETIONARY ACTIONS:	Site Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Medium Density Residential (15-29 dwelling units per acre)

ZONING INFORMATION:

ZONE: GH-1500 Zone within the GHPD

HEIGHT LIMIT: 30-foot maximum height limit

LOT SIZE: 1,500 square feet (minimum per dwelling unit)

FLOOR AREA RATIO: 0.60

LOT COVERAGE: 35 percent

FRONT SETBACK: 10 feet

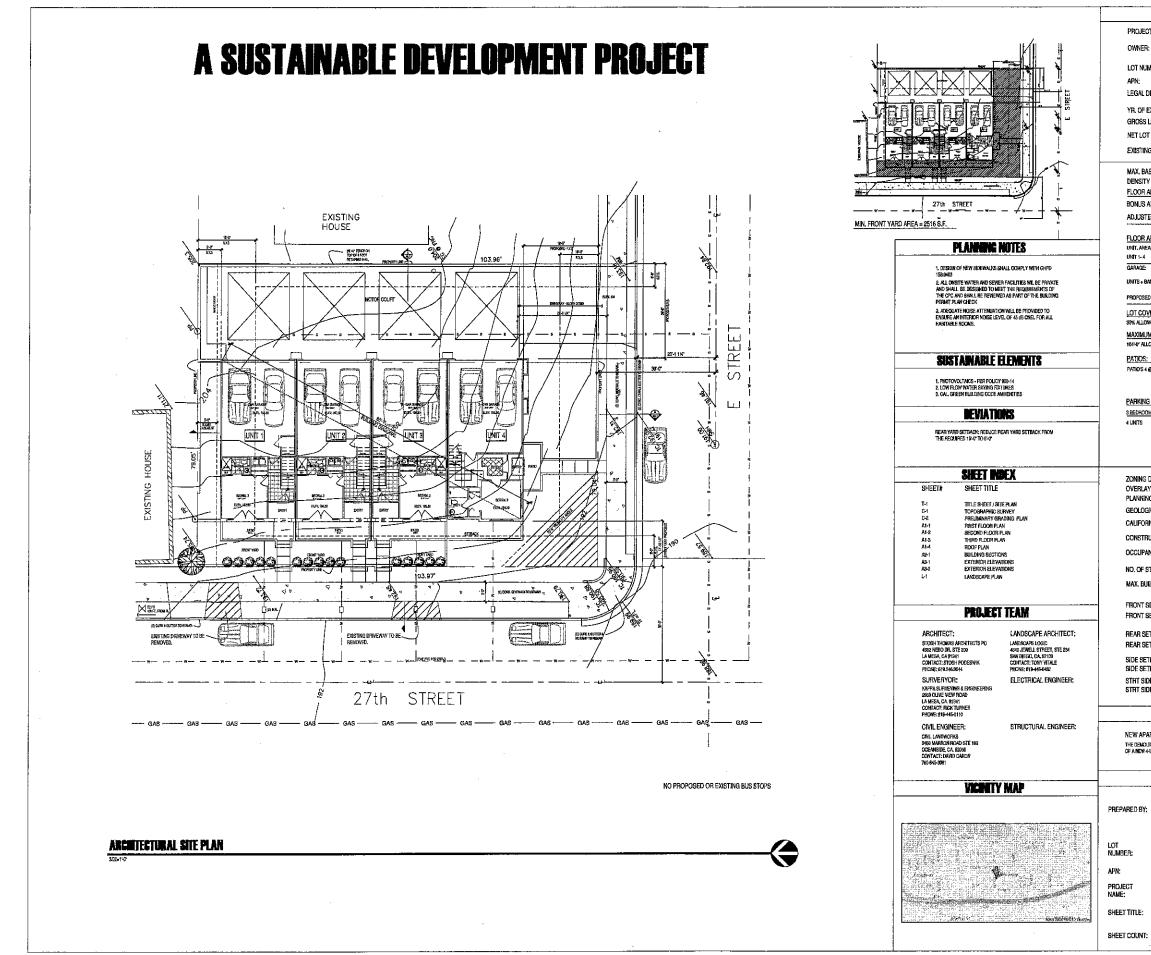
SIDE SETBACK: 6 feet

STREETSIDE SETBACK: 8 feet

REAR SETBACK: 15 feet without an alley

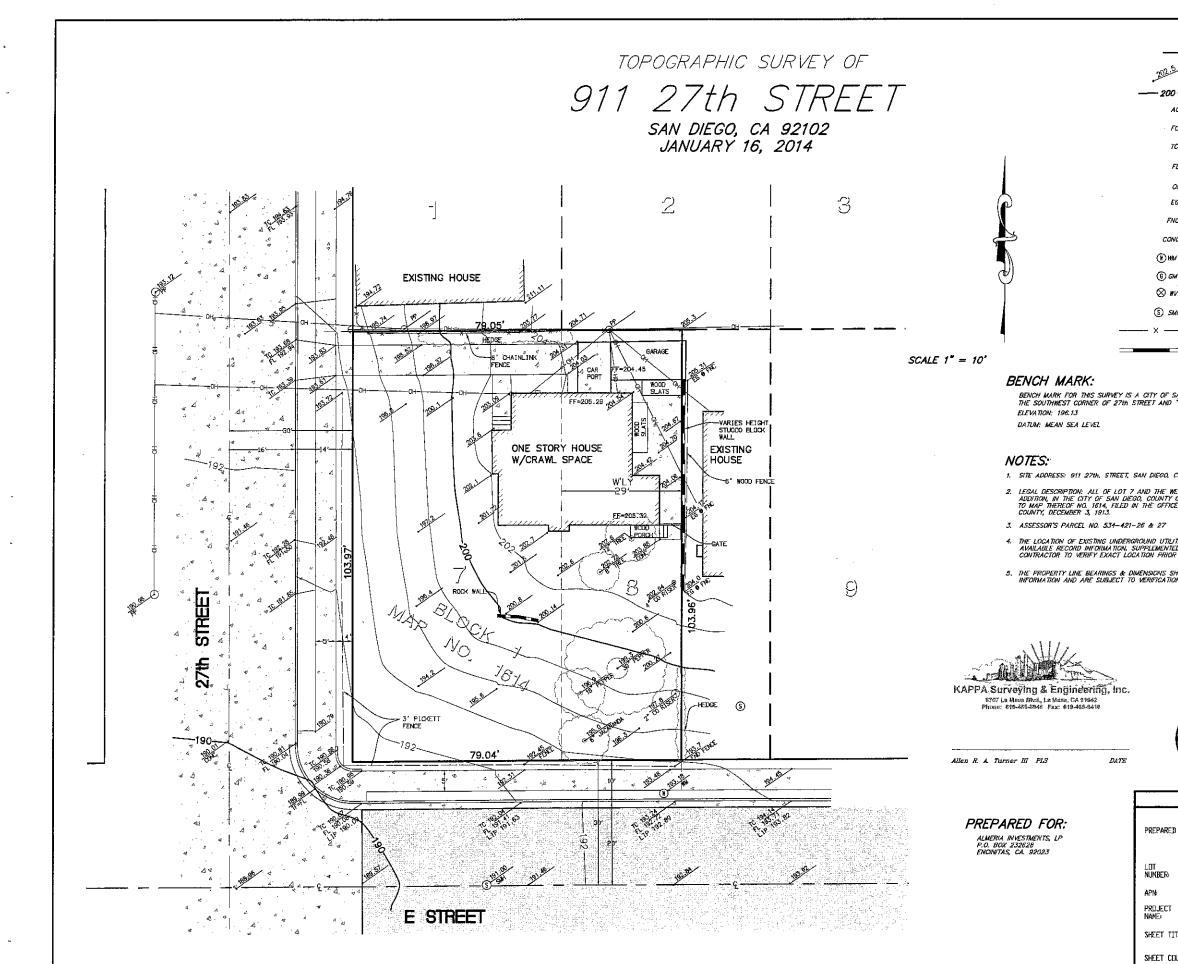
PARKING: 8

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE			
NORTH:	Medium High Density Residential; GH-1250	Multi- Family Residence			
SOUTH:	Medium Density Residential; GH-1500	Multi- Family Residence			
EAST:	Medium Density Residential; GH-1500	Single Family Residence			
WEST:	Medium Density Residential; GH-1500	Single Family Residence			
DEVIATIONS OR VARIANCES REQUESTED:	A deviation from SDMC Section 158.0301(b)(2)(B) and Table 158- 03C to allow for a 6 foot rear yard setback where regulations require a minimum 15 feet.				
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 11, 2015, the Gre voted 10-2-0 to recommend	ater Golden Hill Planning Committee approval of the project.			



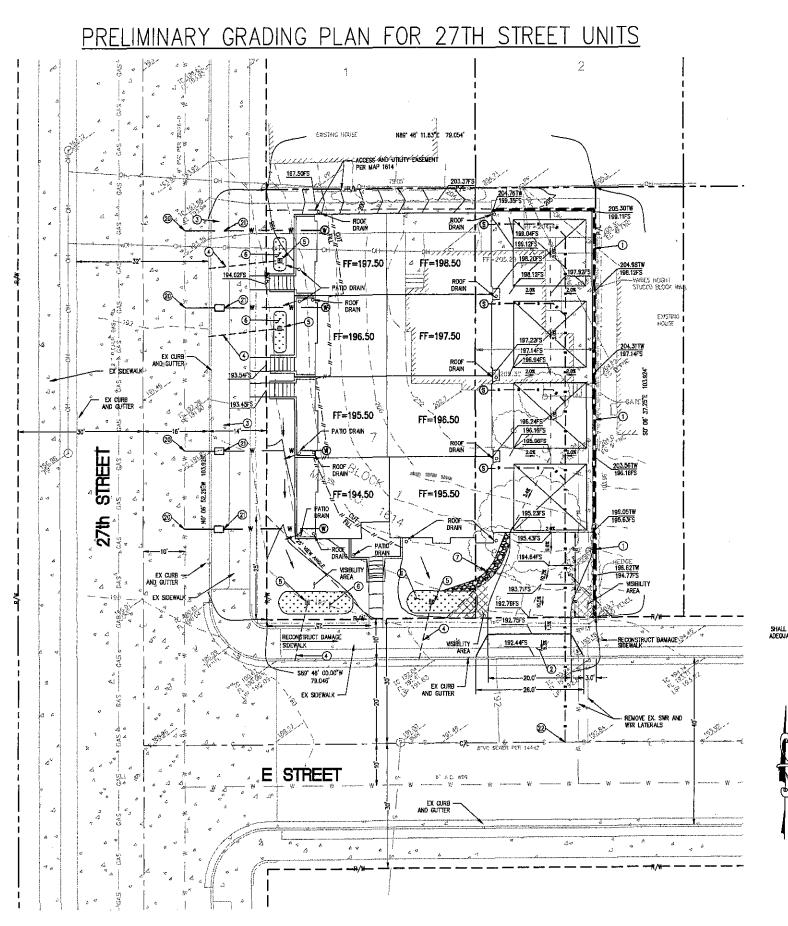
ATTACHMENT 6

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ATTACHMENT 6

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CONSTRUCTION NOTES:

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- (6) CONSTRUCT VEGETATED BWP SEE DETAIL BELOW (7) GRAVEL SWALE

UTILITY NOTES:

(2) CONSTRUCT WATER LATERAL PER CITY STANDARDS (21) CONSTRUCT WATER METER PER CITY STANDARDS (2) CONSTRUCT 6" PVC SEWER LATERAL CITY STANDARDS

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- CITY DIGNEER. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DINSIGN 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WHEP). THE WHOS SHALL BE PREPARED IN ACCORDANCE WITH THE GUDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS. ALL NON-UTLIZED PORTIONS OF THE CONSTRUCTION DRIVEWATS SHALL BE CLOSED WITH CURRENT CITY STANDARD CURRE, QUITER, AND SOEWALL. NO OBSTRUCTION INCLIDING LANDSCAPING OR SOLID WALLS IN THE WISBILITY AREA SHALL EXCRED 3 FEET IN HEIGHT.

- NO DESTRUCTION INCLUDING LANDSCAPING ON SOLID WALLS IN THE WISHLITT AREA SAMLE EXCEED T FEET IN HOGHT. All onste water and sever faculties will be private and shall be designed to meet the requirements of the california unform plunging code and shall be reviewed as part of the building permit flam check. No destruction including landscaping or sould walls in the wishlitty area shall exceed 3 feet in Hoght.

ENGINEER



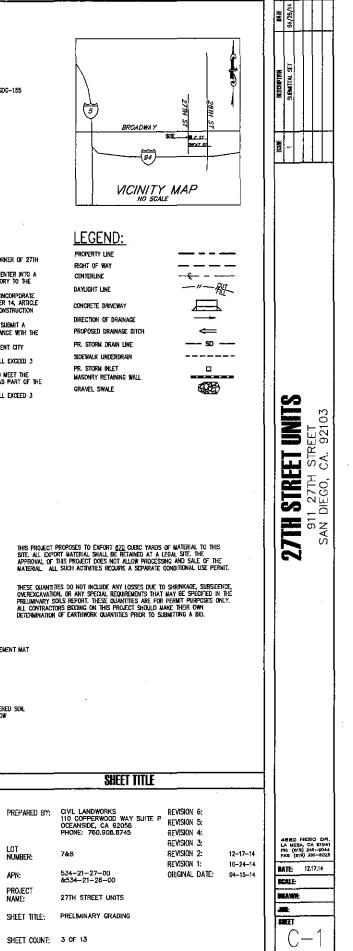


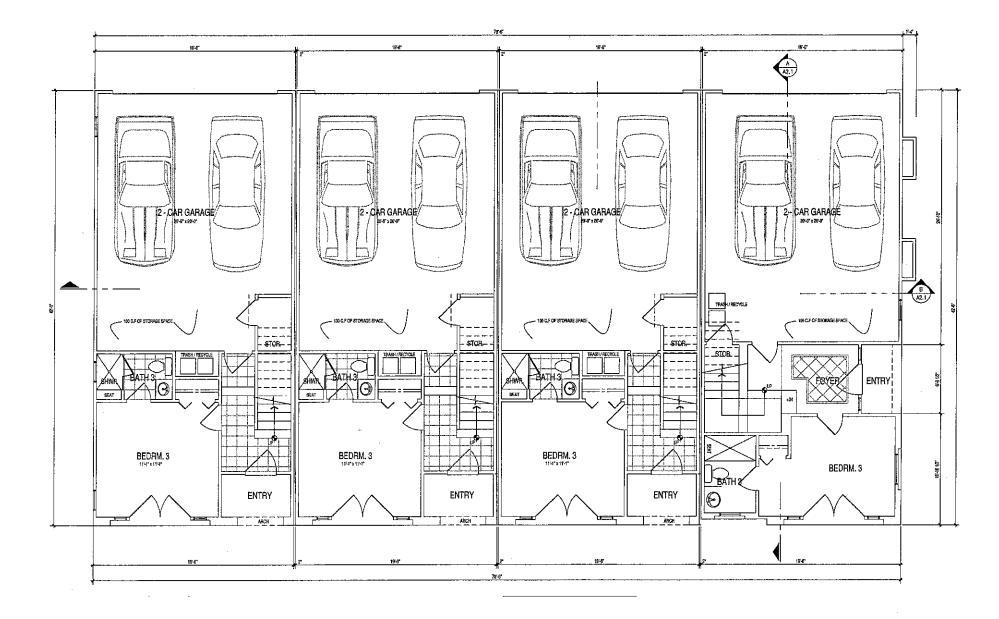
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Civil Wandworks 110 COPPERWOOD WAY, SUITE P, OCEANSIDE, CA 92058 PH: 760-845-3081 • info@civillandworks.com

ATTACHMENT 6





HRST FLOOR PLAN

lot Number; APN; PROJECT NAME:

ATTACHMENT 6

ATTACHMENT 6

SHEET TITLE

REVISION 6: REVISION 5: REVISION 4: REVISION 3: REVISION 2:

REVISION 1:

ORIGINAL DATE:

10-22-14

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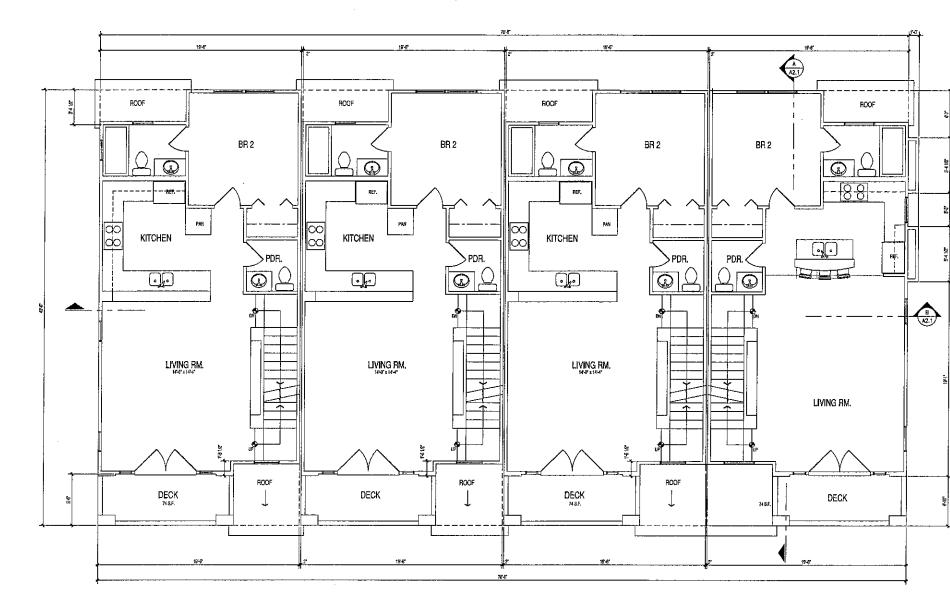
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534-21-27-00 8 534-21-26-00

27 STREET UNITS

SHEET TITLE: FIRST FLOOR PLAN

SHEET COUNT; 4 OF 11



SECOND FLOOR PLAN

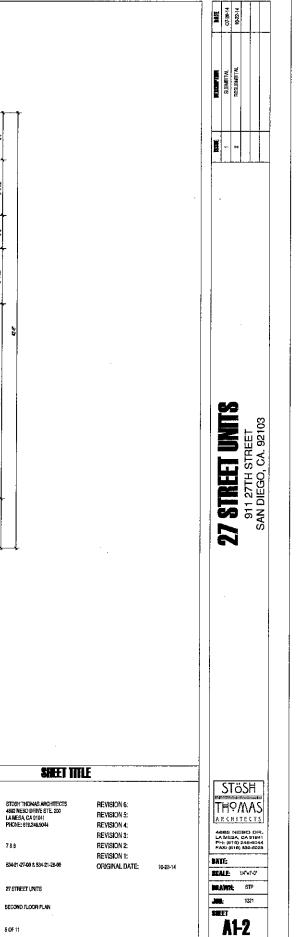
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lot Number: Apn:

PREPARED BY:

SHEET TITLE: SHEET COUNT:

PROJECT NAME:



ATTACHMENT 6

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THIRD FLOOR PLAN

1/4"=1'-0"

LOT NUMBER: APN: PROJECT NAME;

ATTACHMENT 6

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ATTACHMENT 6

SHEET TITLE

REVISION 6: REVISION 5;

REVISION 4: REVISION 3; REVISION 2;

REVISION 1:

ORIGINAL DATE: 10-22-14

 PREPARED BY:
 \$10591 HOMAS Anchitects

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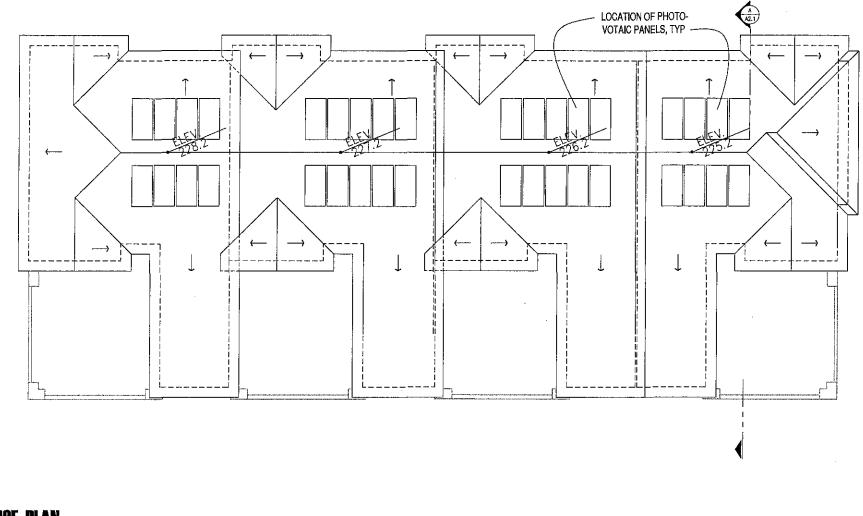
 LOT
 7.8.8

534-21-27-00 & 534-21-28-00

27 STREET UNITS

SHEET TITLE: THIRD FLOOR PLAN

SHEET COUNT: 6 OF 11



ROOF PLAN 1/4"=1'-0"

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ATTACHMENT 6

DATE 07-20-14 10-22-14
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A1-4

SHEET	TITLE

STOSH THOMAS ARCHITECTS 4682 NEBO DRIVE STE, 200 La Mesa, ca 91941 Phone: 619,246,9044 PREPARED BY: 788 534-21-27-00 & 534-21-26-00

27 STREET UNITS

ROOF PLAN

7 OF 11

lot Number:

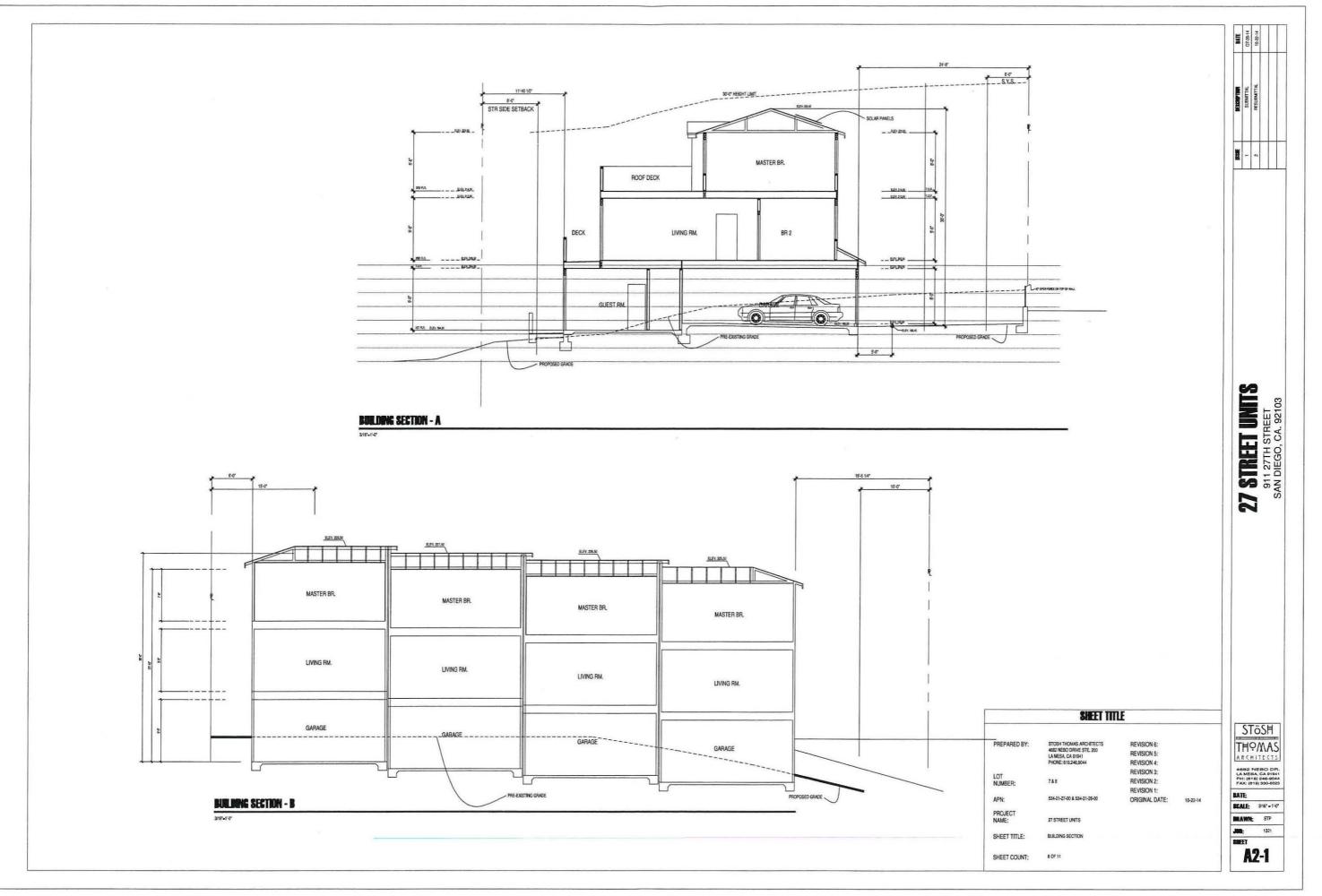
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REVISION 6: REVISION 5; REVISION 4: REVISION 3; REVISION 2; REVISION 1: ORIGINAL DATE: 10-22-14



ATTACHMENT 6



ATTACHMENT 6

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ATTACHMENT 6

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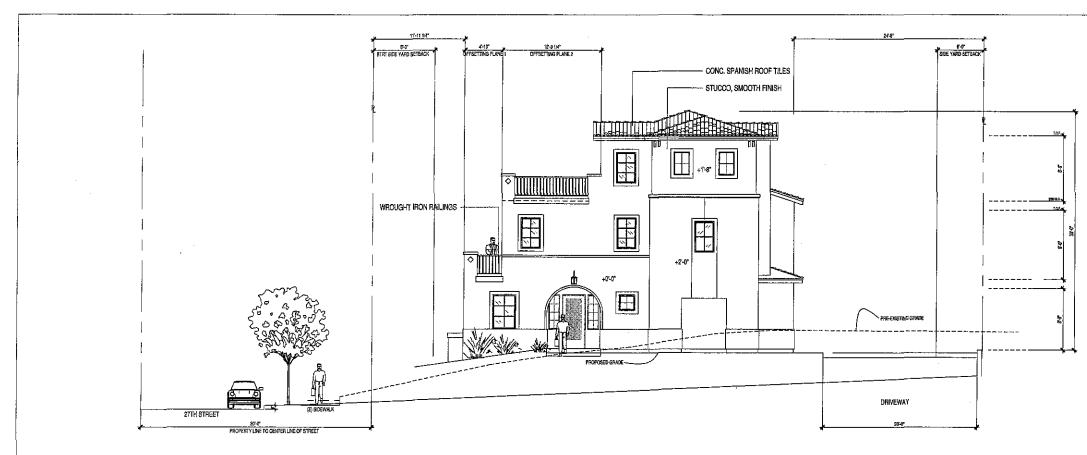
D BY: STOSH THOMAS ARCHITECT 4682 MED ORIVE STE, 200 LA MESA CA \$1941 PHONE 619.246,9044 7 & 6

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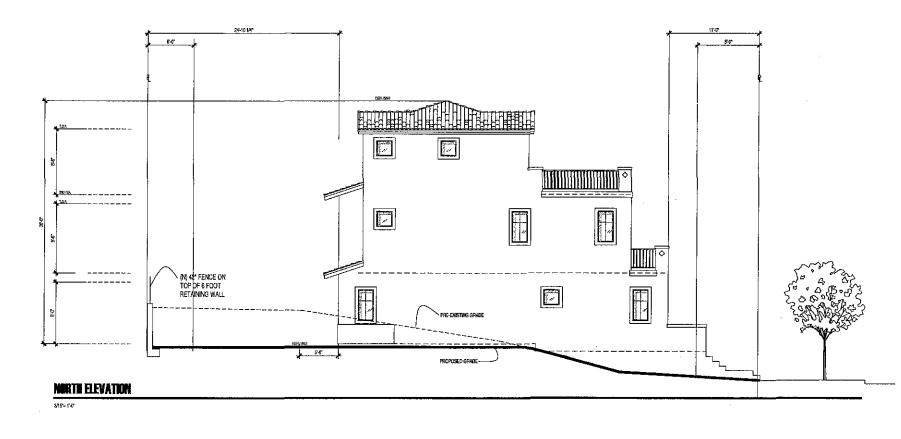
27 STREET UNITS

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PREPARED BY;

STOSH THOMAS ARCHITECTS 4662 NEED DRIVE STE, 200 LA MESA, CA B1941 PHONE; 619,246,3044

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27 STREET UNITS

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EXTERIOR ELEVATIONS

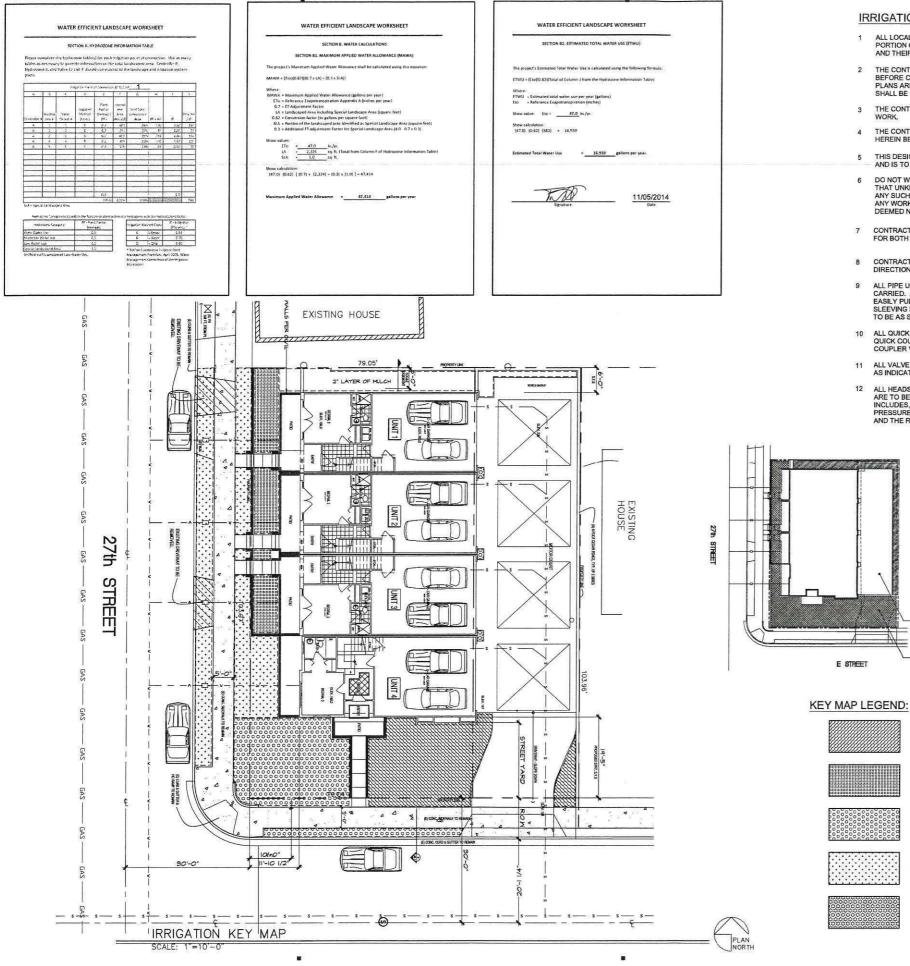
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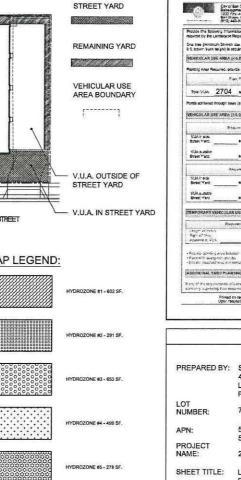
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IRRIGATION NOTES

- ALL LOCAL MUNICIPAL AND STATE LAWS, RULES AND REGULATIONS GOVERNING OR RELATING TO ANY PORTION OF THIS WORK ARE HEREBY INCORPORATED INTO AND MADE A PART OF THESE SPECIFICATIONS AND THEIR PROVISIONS SHALL BE CARRIED OUT BY THE CONTRACTOR.
- 2 THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES, STRUCTURES AND SERVICES BEFORE COMMENCING WORK. THE LOCATIONS OF UTILITIES, STRUCTURES AND SERVICES SHOWN IN THESE PLANS ARE APPROXIMATE ONLY. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL OBTAIN THE PERTINENT ENGINEERING OR ARCHITECTUAL PLANS BEFORE BEGINNING
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM THE WORK INDICATED HEREIN BEFORE BEGINNING WORK.
- THIS DESIGN IS DIAGRAMMATIC, ALL EQUIPMENT SHOWN IN PAVED AREAS IS FOR DESIGN CLARITY ONLY AND IS TO BE INSTALLED WITHIN PLANTING AREAS NECESSARY.
- DO NOT WILLFULLY INSTALL ANY EQUIPMENT AS SHOWN ON THE PLANS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN CONDITIONS EXIST THAT WERE NOT EVIDENT AT THE TIME THESE PLANS WERE PREPARED. ANY SUCH CONDITIONS SHALL BE BOUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO ANY WORK OR THE IRRIGATION CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY FIELD CHANGES DEEMED NECESSARY BY THE OWNER.
- CONTRACTOR SHALL BE RESPONSIBLE TO COMPLY WITH LOCAL CITY, COUNTY AND STATE REQUIREMENTS FOR BOTH EQUIPMENT AND INSTALLATION.
- CONTRACTOR IS TO PROVIDE AN ADDITIONAL PILOT WIRE TO THE END OF THE MAINLINE RUN IN TWO DIRECTIONS FROM THE CONTROLLER-AS NOTED.
- ALL PIPE ONDER PAYED ARASES TO BE INSTALLED IN A SCH. 40 SLEEVE TWICE THE DIAMETER OF THE PIPE CARRIED. ALL WIRE UNDER PAYED AREAS TO BE INSTALLED IN A SCH. 40 SLEEVE THE SIZE REQUIRED TO EASILY PULL WIRE THROUGH. ALL SLEEVES TO BE INSTALLED WITH A MINIMUM DEPTH AS SHOWN ON THE SLEEVING DETAILS. SLEEVES TO EXTEND AT LEAST 12° PAST THE EDGE OF THE PAYING, ALL SLEEVES TO BE AS SHOWN ON THE PLANS.
- QUICK COUPLER VALVES TO BE INSTALLED AS SHOWN ON THE INSTALLATION DETAILS. INSTALL ALL QUICK COUPLER VALVES WITHIN 18" OF HARDSCAPE.
- 11 ALL VALVE BOXES TO BE GREEN IN COLOR, SIZED AS INDICATED BY DETAILS, AND HOT BRANDED AS INDICATED ON THE PLANS OR DETAILS.
- ALL HEADS ARE TO BE INSTALLED WITH THE NOZZLE, SCREEN AND ARCS SHOWN ON THE PLANS, ALL HEADS ARE TO BE ADJUSTED TO PREVENT OVERSPARY ONTO BUILDING, WALLS, FENCES AND HARDSCAPE. THIS INCLUDES, BUT NOT LIMITED TO, ADJUSTMENT OF DIFFUSER PIN OR ADJUSTMENT SCREW, REPLACEMENT OF PRESSURE COMPENSATING SCREENS, REPLACEMENT OF NOZLES WITH MORE APPROPRIATE RADIUS UNITS AND THE REPLACEMENT OF NOZZLES WITH ADJUSTABLE ARC UNITS.



SHEET COUNT: 13 OF 13

ATTACHMENT 6

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S LIND PLANS FOR: STREET 4911 27TH STREET SAN DIEGO, CA 92103 AN H n N 02 FEBRUARY 2015

OF 2 SHEETS

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24004717

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1298226 27TH STREET UNITS - PROJECT NO. 370917 HEARING OFFICER

This Site Development Permit No. 1298226 is granted by the Hearing Officer of the City of San Diego to the ALMERIA INVESTMENTS, LP, a California Limited Partnership, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0708. The 0.188-acre site is located at 911 27th Street in the GH-1500 Zone within the Golden Hill Planned District, the Greater Golden Hill Plan area, the Airport Influence Area Review Area 1, the 60 to 65 decibel (dB) Community Noise Equivalent Level, the Federal Aviation Administration Part 77 for the San Diego International Airport, Transit Area Overlay Zone, and Council District 3. The project site is legally described as: all of Lot 7 and the West 29 feet of Lot 8 in Block 1 of Karrie Addition, in the City of San Diego, State of California, according to Map thereof No. 1614, filed in the Office of the County Recorder of San Diego County, December 3, 1913.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of an existing single-family dwelling unit and to construct a four (4) unit residential apartment complex, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 20, 2015, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single-family dwelling unit and construction of a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site;
- b. A deviation from SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback where regulations require a minimum 15 feet;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Off-street parking;
- e. Construction of associated site improvements (i.e. hardscape and site walls).
- f. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by **June 4, 2018**.

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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

6. 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.).

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

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

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

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

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, 10. 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.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

AIRPORT REQUIREMENTS:

12. Prior to the issuance of any building permits, the Owner/Permittee shall assure that all structures shall be sound attenuated to 45 db CNEL interior noise level.

13. Prior to the issuance of any building permits, the Owner/Permittee shall record an overflight notification with the San Diego County Recorder or alternative method of notification approved by the San Diego County Airport Land Use Commission (ALUC).

14. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the recorded overflight notification and a note shall be placed on all building plans indicating that an overflight notification has been recorded against the property. The note shall include the County Recorder's recording number for the overflight notification.

ENGINEERING REQUIREMENTS:

15. The project proposes to export 1080 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"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee. 16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

17. Prior to the issuance of any building permits, the Owner/Permittee 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.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 20 foot wide driveway, adjacent to the site on E Street, satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to close the non-utilized driveway with current City Standard curb, gutter and sidewalk, adjacent to the site on 27th Street, satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on 27th Street and E Street, satisfactory to the City Engineer.

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

22. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article

2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

23. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

GEOLOGY REQUIREMENTS:

24. 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.

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

LANDSCAPE REQUIREMENTS:

26. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

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

28. 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 Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

29. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to

generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

30. 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.

31. 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:

32. No fewer than 8 parking spaces (8 spaces currently provided) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

33. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.

34. 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) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

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

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

INFORMATION ONLY:

• The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on May 20, 2015, and Resolution No. HO-_____.

Permit Type/PTS Approval No.: SDP No. 1298226 Date of Approval: May 20, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson Development Project Manager

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

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

ALMERIA INVESTMENTS, LP, a California Limited Partnership Owner/Permittee

By _____

Michael Fulton Director /Secretary of Almeria Investments, LP

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

HEARING OFFICER RESOLUTION NO. HO-_____ SITE DEVELOPMENT PERMIT NO. 1298226 27TH STREET UNITS - PROJECT NO. 370917

WHEREAS, ALMERIA INVESTMENTS, LP, a California Limited Partnership, Owner and Permittee, filed an application with the City of San Diego for a permit to demolish of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1298226), on portions of a 0.188-acre site;

WHEREAS, the project site is located at 911 27th Street in the GH-1500 Zone within the Golden Hill Planned District, the Greater Golden Hill Plan area, the Airport Influence Area Review Area 1, the 60 to 65 decibel (dB) Community Noise Equivalent Level, the Federal Aviation Administration Part 77 for the San Diego International Airport, Transit Area Overlay Zone, and Council District 3;

WHEREAS, the project site is legally described as: all of Lot 7 and the West 29 feet of Lot 8 in Block 1 of Karrie Addition, in the City of San Diego, State of California, according to Map thereof No. 1614, filed in the Office of the County Recorder of San Diego County, December 3, 1913;

WHEREAS, on May 20, 2015, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1298226 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 25, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Article 19, Section 15332 (Infill Development Projects); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated May 20, 2015.

FINDINGS:

I. <u>Site Development Permit - Section 126.0504(A)</u>

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

The project site is located at 911 27th Street in the GH-1500 Zone within the Golden Hill Planned District (GHPD) and the Greater Golden Hill Community Plan (GGHCP). The zoning designation is a multi- family residential zone that requires 1,500 square feet of lot area per dwelling unit. The GGHCP designates the proposed project site for Medium Residential land use at 15-29 dwelling units per acre (DU/AC). The project site, occupying 0.188-acres, could accommodate five dwelling unit based on the underlying zone and 3-5 dwelling units based on the community plan.

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to San Diego Municipal Code (SDMC) Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone require a minimum of 15 feet. With the approval of the requested deviations, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted GGHCP, the GHPD, and the SDMC. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone require a minimum of 15 feet. With the approval of the requested deviations, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development

conditions in effect for the subject property as described in Site Development Permit (SDP) No. 1298226, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

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

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone requires a minimum of 15 feet. The GH-1500 Zone requires a minimum of 10 foot front yard setback; however, to comply with the 25 foot visibility area at the corner of 27^{th} Street and E Street, the structure along E Street is setback to 19 foot 5 inches. The project proposes a 6 foot rear yard setback alone the northern property line, which is equivalent to the interior yard setback requirement of the GH-1500 Zone, to allow for the development to establish a front façade and entrance for three of the units along 27^{th} Street, and to create architectural harmony with the surrounding character of the neighborhood and community.

The requested deviation as it relates to the proposed design of the project, the property configuration with its topographic conditions, the visibility area impacts, and the surrounding development is appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations. For all of these reasons, including the justifications listed above and with the approval of the deviation, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted GGHCP, the GHPD, and the Land Development Code (LDC).

II. Golden Hill Planned District (GHPD) -Section 158.0206(d)

1. The proposed project design meets the purpose and intent of the Golden Hill Planned District and will be compatible with the goals and objectives of the Golden Hill

Community Plan (1988), the Progress Guide and General Plan of the City of San Diego, the Golden Hill Planned District Design Criteria and Guidelines as adopted by Council and the design studies listed in Section 158.0201(a);

The project site is located at 911 27th Street in the GH-1500 Zone within the GHPD and the GGHCP. The zoning designation is a multi- family residential zone that requires 1,500 square feet of lot area per dwelling unit. The GGHCP designates the proposed project site for Medium Residential land use at 15-29 DU/AC. The project site, occupying 0.188-acres, could accommodate five dwelling unit based on the underlying zone and 3-5 dwelling units based on the community plan.

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone requires a minimum of 15 feet. The GH-1500 Zone requires a minimum of 10 foot front yard setback; however, to comply with the 25 foot visibility area at the corner of 27th Street and E Street, the structure along E Street is setback to 19 foot 5 inches. The project proposes a 6 foot rear yard setback alone the northern property line, which is equivalent to the interior yard setback requirement of the GH-1500 Zone, to allow for the development to establish a front façade and entrance for three of the units along 27th Street, and to create architectural harmony with the surrounding character of the neighborhood and community.

The requested deviation as it relates to the proposed design of the project, the property configuration with its topographic conditions, the visibility area impacts, and the surrounding development is appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations. For all of these reasons, including the justifications listed above and with the approval of the deviation, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted GGHCP, the GHPD, and the General Plan.

2. The proposed development will be compatible with existing and planned land uses on adjoining properties, will not constitute a disruptive element to the neighborhood or community, and will create architectural harmony with the preferred character of the neighborhood and community; The project site is located at 911 27th Street in the GH-1500 Zone within the GHPD and the GGHCP. The zoning designation is a multi-family residential zone that requires 1,500 square feet of lot area per dwelling unit. The GGHCP designates the proposed project site for Medium Residential land use at 15-29 DU/AC. The project site, occupying 0.188-acres, could accommodate five dwelling unit based on the underlying zone and 3-5 dwelling units based on the community plan.

The surrounding properties have been previously graded and developed with existing singlefamily dwelling units to the east and west, and multi-family development to the north and south. The properties to the north are zoned GH-1250 within the GHPD, and the land use designation is Medium High Residential land use at 29-44 DU/AC. The properties to the east, west and south are zoned GH-1500 within the GHPD, and the land use designation is Medium Residential land use at 15-29 DU/AC.

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone requires a minimum of 15 feet. The GH-1500 Zone requires a minimum of 10 foot front yard setback; however, to comply with the 25 foot visibility area at the corner of 27^{th} Street and E Street, the structure along E Street is setback to 19 foot 5 inches. The project proposes a 6 foot rear yard setback alone the northern property line, which is equivalent to the interior yard setback requirement of the GH-1500 Zone, to allow for the development to establish a front façade and entrance for three of the units along 27^{th} Street, and to create architectural harmony with the surrounding character of the neighborhood and community.

The requested deviation as it relates to the proposed design of the project, the property configuration with its topographic conditions, the visibility area impacts, and the surrounding development is appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations. For all of these reasons, including the justifications listed above and with the approval of the deviation, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site. Therefore, the proposed development is compatible with existing and planned land uses on adjoining properties, and would not constitute a disruptive element to the neighborhood or community, and has been designed to create architectural harmony with the preferred character of the neighborhood and community per the GHPD and the adopted GGHCP.

3. The proposed development, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone requires a minimum of 15 feet. With the approval of the requested deviations, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in SDP No. 1298226, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Therefore, the proposed development will not be detrimental to the public health, safety and welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. The proposed development complies with all other relevant regulations in the City of San Diego Municipal Code.

The project proposes the demolition of an existing single-family dwelling unit and to construct a three-story, 5,422 square foot, four unit residential apartment complex, with attached two car garages totaling 2,040 square feet, and associated site improvements on a 0.188-acre site. Each of the units will contain 3 bedrooms, 3 ½ bathrooms, living room, kitchen, roof deck, and an attached two car garage on the main level that is accessed from E Street. Three of the unit entrances are along 27th Street and the fourth unit entrance is fronting E Street. As a component of the proposed project, the structure incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project proposes a deviation to SDMC Section 158.0301(b)(2)(B) and Table 158-03C to allow for a 6 foot rear yard setback alone the northern property line, where the GH-1500 Zone requires a minimum of 15 feet. The GH-1500 Zone requires a minimum of 10 foot front yard setback; however, to comply with the 25 foot visibility area at the corner of 27^{th} Street and E Street, the structure along E Street is setback to 19 foot 5 inches. The project proposes a 6 foot rear yard setback alone the northern property line, which is equivalent to the interior yard setback requirement of the GH-1500 Zone, to allow for the development to establish a front façade and entrance for three of the units along 27^{th} Street, and to create architectural harmony with the surrounding character of the neighborhood and community.

The requested deviation as it relates to the proposed design of the project, the property configuration with its topographic conditions, the visibility area impacts, and the surrounding development is appropriate and will result in a more desirable project that efficiently utilizes the site, while meeting the purpose and intent of the development regulations. For all of these reasons, including the justifications listed above and with the approval of the deviation, the proposed project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted GGHCP, the GHPD, and the SDMC.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1298226 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1298226 a copy of which is attached hereto and made a part hereof.

Jeffrey A. Peterson Development Project Manager Development Services

Adopted on: May 20, 2015

Internal Order No. 24004717

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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776 619.400.2400 WWW.SAN.ORG

September 18, 2014

Mr. Jeffrey Peterson City of San Diego Department of Development Services 1222 First Avenue San Diego, CA 92101

Re: Airport Land Use Commission Consistency Determination – 911 27th Street, City of San Diego; Construction of 4 Attached Residential Units; APN 534-421-27 & 534-21-26; San Diego International Airport - Airport Land Use Compatibility Plan – LIN-14-017; Resolution No. 2014-0019 ALUC

Dear Mr. Peterson:

This letter is to notify the City of San Diego ("City") of the September 4, 2014, consistency determination that was made by the San Diego County Regional Airport Authority ("Authority" or "SDCRAA"), acting in its capacity as the San Diego County Airport Land Use Commission ("ALUC"), for the referenced project. The ALUC has determined that the proposed project is **conditionally consistent** with the San Diego International Airport ("SDIA") Airport Land Use Compatibility Plan ("ALUCP"). A copy of Resolution 2014-0019 ALUC, approved by the ALUC on September 4, 2014, and memorializing the consistency determination, is enclosed for your information.

The ALUC's determination that the 911 27th Street project is **conditionally consistent** with the SDIA ALUCP was made consistent with the ALUC Policies and the State Aeronautics Act provisions (Cal. Pub. Util. Code §21670-21679.5), and was based on numerous facts and findings, including those summarized below:

- (1) The proposed project involves the construction of four attached residential units.
- (2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the structures must be sound attenuated to 45 dB CNEL interior noise level.
- (3) The proposed project is located outside the TSS. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.



SAN DIEGO INTERNATIONAL AIRPORT Mr. Peterson Page 2

- (4) The proposed project is located outside all Safety Zones.
- (5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder or alternative method of notification as approved by the ALUC for new residential land uses. Therefore, as a condition of project approval, an overflight notification shall be recorded with the County Recorder or alternative method of notification as approved by the ALUC.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.
- (7) This ALUC action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.

Please contact Mr. Ed Gowens at (619) 400-2244 if you have any questions regarding the issues addressed in this letter.

Very truly yours,

Thella F. Bowens President/CEO

TFB/EG

Enclosures: Resolution 2014-0019 ALUC

cc: Amy Gonzalez, SDCRAA, General Counsel Ron Bolyard, Caltrans, Division of Aeronautics Chris Schmidt, Caltrans, District 11 Tait Galloway, City of San Diego

RESOLUTION NO. 2014-0019 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 4 ATTACHED RESIDENTIAL UNITS AT 911 27th STREET, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed project: Construction of 4 Attached Residential Units at 911 27th Street, City of San Diego, which is located within the Airport Influence Area (AIA) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), adopted and amended in 2014; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of four attached residential units; and

WHEREAS, the proposed project would be located within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level; and

WHEREAS, the proposed project is located outside the SDIA Threshold Siting Surface (TSS) and the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located outside all Safety Zones; and

WHEREAS, the proposed project is located within the overflight notification area, and the ALUCP requires recordation of an overflight notification with the County Recorder or alternative method of notification as approved by the ALUC for new residential land uses; and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

Resolution No. 2014-0019 ALUC Page 2 of 3

WHEREAS, the ALUC has provided an opportunity for the City of San Diego and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Construction of 4 Attached Residential Units at 911 27th Street, City cf San Diego, is conditionally consistent with the SDIA ALUCP, which was adopted and amended in 2014, based upon the following facts and findings:

- (1) The proposed project involves the construction of four attached residential units.
- (2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the structures must be sound attenuated to 45 dB CNEL interior noise level.
- (3) The proposed project is located outside the TSS. The project sponsor has certified that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.
- (4) The proposed project is located outside all Safety Zones.
- (5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder or alternative method of notification as approved by the ALUC for new residential land uses. Therefore, as a condition of project approval, an overflight notification shall be recorded with the County Recorder or alternative method of notification as approved by the ALUC.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.

BE IT FURTHER RESOLVED that the ALUC finds this determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106. Resolution No. 2014-0019 ALUC Page 3 of 3

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PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 4th day of September, 2014, by the following vote:

AYES: Commissioners:

Alvarez, Desmond, Gleason, Hubbs, Robinson, Sessom, Smisek

NOES: Commissioners: None

ABSENT: Commissioners: Cox

ATTEST:

TONY R. RUSSELL DIRECTOR, CORPORATE & INFORMATION GOVERNANCE / AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER GENERAL COUNSEL

Peterson, Jeff

From:
Sent:
To:
Subject:

Ruchell Alvarez [goldenhillplanningcommittee@gmail.com] Wednesday, March 18, 2015 10:03 AM Peterson, Jeff 27th st. (370917)

Hi Jeff,

The motion to approve passed 10-2. Will the environmental review require additional recommendation from the planning committee?

Thanks Ruchell

Peterson, Jeff

From:	Ruchell Alvarez [goldenhillplanningcommittee@gmail.com]
Sent:	Friday, March 13, 2015 10:32 AM
To:	Stosh Thomas
Cc:	Mike Fulton; Peterson, Jeff
Subject:	Re: 27th Street project

Hi Jeff,

Stosh presented his 27th st project to the GGHPC last Wednesday. The project was approved. Our minutes will not be approved until our April meeting. Is there anything you currently need from me? Please advise.

Thanks Ruchell GGHPC, Chair

On Fri, Mar 13, 2015 at 8:52 AM, Stosh Thomas <<u>stosh@stoshthomas.com</u>> wrote:

Hello Ruchell,

Can you please forward the planning commission approval results to Jeff Peterson. We have everything signed off at this time and he needs the report to finish

Thank you very much for reviewing my project

Stosh

Stosh Thomas Architects PC

4682 Nebo Drive, Ste 200

NOTICE OF EXEMPTION

(Check one or both)

TO:

X Recorder/County Clerk P.O. Box 1750, MS A-33 1600 Pacific Hwy, Room 260 San Diego, CA 92101-2422 Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

FROM: City of San Diego Development Services Department 1222 First Avenue, MS 501 San Diego, CA 92101

PROJECT TITLE/NO.: **27TH STREET UNITS SDP / 3709917** PROJECT LOCATION-SPECIFIC: 3920 Haines Street, San Diego, CA PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A SITE DEVELOPMENT PERMIT is being requested for the demolition of an existing single-dwelling residence and subsequent construction of a 5,422-square foot building comprised of four apartment units (for rent). The project would also construct various associated site improvements (e.g. hardscape, retaining walls, and landscaping). The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The developed 0.188-acre project site is located at 911 27th Street. The land use designation for the project site is Medium Density Residential (15-29 dwelling unit per acre) within the community plan. The project site is within the GH-1500 Zone of the Golden Hill Planned District, and within the in the Airport Influence Area (AIA) Review Area 1, the 60 to 65 decibel (dB) Community Noise Equivalent Level (CNEL), and the Federal Aviation Administration (FAA) Part 77 for the San Diego International Airport (SDIA) within the Greater Golden Hill Planning. (LEGAL: Lot 7 and west 29 feet of Lot 8 in Block 1 of Kerrie Addition, Map No. 1614.)

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Rob Linton, Haines Street LLC, 2729 Bellezza Drive, San Diego, CA 92108, (858) 837-2078.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268)
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a))
- () Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- (X) CATEGORICAL EXEMPTION: 15332 (Infill Development Projects)
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The project meets the criteria set forth in CEQA Section 15332 which allows for the construction of infill development within an urbanized area that can be adequately served by all required utilities and public services. The development occurs within the City of San Diego jurisdiction and the project site is less than five acres (0.64-acre) and is surrounded by urban uses; the project site does not contain any habitat for endangered, rare or threatened species; the project would not result in any significant impacts to biological resources, historical resources, traffic, noise, air quality, or water quality; and lastly, the project can be adequately be served by all required utilities and public services. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

STATE CLEARINGHOUSE NO.: Not Applicable

LEAD AGENCY CONTACT PERSON: E. Shearer-Nguyen

TELEPHONE: (619) 446-5369

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 () YES
 () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA.

Senior Planner SIGNATURE

March 25, 2015 DATE OF PROJECT APPROVAL

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

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

Date of Notice: March 25, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Internal Order No. 24004717

PROJECT NAME/NUMBER: 27TH STREET UNITS SDP/370917

COMMUNITY PLAN AREA: Greater Golden Hill

COUNCIL DISTRICT: 3

LOCATION: 911 27th Street, San Diego, CA 92104

PROJECT DESCRIPTION: A SITE DEVELOPMENT PERMIT is being requested for the demolition of an existing single-dwelling residence and subsequent construction of a 5,422-square foot building comprised of four apartment units (for rent). The project would also construct various associated site improvements (e.g. hardscape, retaining walls, and landscaping). The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The developed 0.188-acre project site is located at 911 27th Street. The land use designation for the project site is Medium Density Residential (15-29 dwelling unit per acre) within the community plan. The project site is within the GH-1500 Zone of the Golden Hill Planned District, and within the in the Airport Influence Area (AIA) Review Area 1, the 60 to 65 decibel (dB) Community Noise Equivalent Level (CNEL), and the Federal Aviation Administration (FAA) Part 77 for the San Diego International Airport (SDIA) within the Greater Golden Hill Planning. (LEGAL: Lot 7 and west 29 feet of Lot 8 in Block 1 of Kerrie Addition, Map No. 1614.)

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332 (Infill Development Projects).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project meets the criteria set forth in CEQA Section 15332 which allows for the construction of infill development within an urbanized area that can be adequately served by all required utilities and public services. The development occurs within the City of San Diego jurisdiction and the project site is less than five acres (0.188-acre) and is surrounded by urban uses; the project site does not contain any habitat for endangered, rare or threatened species; the project would not result in any significant impacts to biological resources, historical resources, traffic, noise, air quality, or water quality; and lastly, the project can be adequately be served by all required utilities and public services.

Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

DEVELOPMENT PROJECT MANAGER:	Jeffrey A. Peterson
MAILING ADDRESS:	1222 First Avenue, MS-501, San Diego CA 92101
PHONE NUMBER:	(619) 446-5237

On March 25, 2015 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business (April 9, 2015) from the date of the posting of this Notice. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

ATTACHMENT 12

Project Title: 27TH Street Units	Project No. (For City Use Only)
Part II - To be completed when property is held by a corporation	on or partnership
Legal Status (please check):	
Corporation Limited Liability -or- General) What State	? Corporate Identification No.
By signing the Ownership Disclosure Statement, the owner(s) ackr as identified above, will be filed with the City of San Diego on the s the property. Please list below the names, titles and addresses of otherwise, and state the type of property interest (e.g., tenants who in a partnership who own the property). A signature is required of property. Attach additional pages if needed. Note: The applicant is ownership during the time the application is being processed or con Manager at least thirty days prior to any public hearing on the subje information could result in a delay in the hearing process. Additi	ubject property with the intent to record an encumbrance against all persons who have an interest in the property, recorded or a will benefit from the permit, all corporate officers, and all partners at least one of the corporate officers of partners who own the responsible for notifying the Project Manager of any changes in insidered. Changes in ownership are to be given to the Project act property. Failure to provide accurate and current ownership
Corporate/Partnership Name (type or print): ALMERIA INVESTMENTS, LP	Corporate/Partnership Name (type or print):
X Owner Tenant/Lessee	T Owner Tenant/Lessee
Street Address: PO BOX 232628	Street Address:
City/State/Zip:	City/State/Zip:
ENCINITAS, CA. 92023 Phone No: Fax No: 760-207-3740 760-418-6453	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
MICHAEL FULTON; ON BEHALF OF MIF CAPITAL INC. Title (type or print):	Title (type or print):
GENERAL PARTNER Signature : Date:	Signature : Date:
05-05-2015	
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Teriani/Losseo	(Owner (Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	└ Owner └ Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or prini):
Signature : Date:	Signature : Date:

ALMERIA INVESTMENTS, LP PO BOX 232628 ENCINITAS, CA. 92023 May 5, 2015

To Whom it May Concern:

The only General Partner in Almeria Investments, L.P. is MJF Capital, INC. Michael Fulton is the Sole member and President of MJF Capital and is the only signing party.

Sincerely,

Michael Fulton michael@almeriainvestments.com 760-207-3740 PO Box 232628 Encinitas, CA. 92023

DEVELOPMENT SERVICES DEPARTMENT PROJECT CHRONOLOGY 27TH STREET UNITS - PROJECT NO. 370917

Date	Action	Description	City Review Time (Working Days)	Applicant Response
6/2/2014	First Submittal	Project Deemed Complete		-
6/26/2014	First Assessment Letter		18 days	
11/3/2014	Second Submittal			91 days
11/17/2014	Second Assessment Letter		9 days	
12/19/2014	Third Submittal			22 days
1/14/2014	Third Assessment Letter		12 days	
2/4/2015	Fourth Submittal			14 days
2/18/2015	Fourth Assessment Letter		9 days	
3/2/2015	Fifth Submittal			8 days
3/17/2015	Fifth Review Completed	All issues resolved, including community group recommendation	11 days	
3/25/2015	Environmental Determination	Environmental Exemption Determination	6 days	
4/9/2015	Environmental Determination	End of Appeal Period		10 days
5/20/2015	Public Hearing	First available date	29 days	
TOTAL ST	AFF TIME	(Does not include City Holidays or City Furlough)	94 days	
TOTAL AP	PLICANT TIME	(Does not include City Holidays or City Furlough)		145 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	239 working days (351 calendar days)	