



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 446-5210

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 OCTOBER 2012

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: Linda Colley E-mail Address: lcolley1@san.rr.com
 Address: 3589 Syracuse Avenue City: San Diego State: CA Zip Code: 92122 Telephone: (858) 453-0435

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Justine Nielson Westfield UTC

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
DSD Internal Order #24003301 / Project No. 298311	November 20, 2012	Patrick Hooper

Decision (describe the permit/approval decision):
 Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities)

5. Grounds for Appeal (Please check all that apply)

- Factual Error
- Conflict with other matters
- Findings Not Supported
- New Information
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)
 See attached.

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 CITY CLERK'S OFFICE
 SAN DIEGO, CALIF.
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6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Date: December 5, 2012

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Description of Grounds for Appeal:

- (1) Finding of “minor alterations” not supported: The alterations are not “minor”: (a) the signs are an expansion from a maximum of 350 square feet per sign to a maximum of 672 feet per sign, nearly doubling the maximum square footage per sign, (b) the NUP increases allowable copy area (c) the NUP allows signage for any business or tenant to be displayed on any building on the premise, even if the business is not in that building.
- (2) Finding of “negligible...expansion of use” not supported: The expansion of use is not “negligible”: (a) it is an expansion from a maximum of 350 square feet per sign to a maximum of 672 feet per sign, nearly doubling the maximum square footage per sign, (b) the NUP increases allowable copy area, (c) the NUP allows signage for any business or tenant to be displayed on any building on the premise, even if the business is not in that building.
- (3) Finding of “no expansion of use” not supported: Use (a) this is an expansion from a maximum of 350 square feet per sign to a maximum of 672 feet per sign, nearly doubling the maximum square footage per sign, (b) the NUP expands allowable copy area, (c) the NUP allows signage for any business or tenant to be displayed on any building on the premise, even if the business is not in that building.
- (4) CEAQ Section 15301 does not apply because these are not existing facilities. The signs are not existing signs. They are new signs.
- (5) The aesthetic effects of doubling the size of signage visible from the public right-of-way needs to be evaluated.
- (6) The environmental impacts of new lighted signs need to be evaluated.
- (7) This is an attempt to circumvent the sign ordinance and prohibition of billboards.



THE CITY OF SAN DIEGO

Date of Notice: November 20, 2012

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Internal Order No. 24003301

PROJECT NAME/NUMBER: Westfield UTC - Signs/Project No. 298311
COMMUNITY PLAN AREA: University Community Planning Area
COUNCIL DISTRICT: 1
LOCATION: 4545 La Jolla Village Drive, San Diego, CA 92122

PROJECT DESCRIPTION: NEIGHBORHOOD USE PERMIT (NUP) for a Comprehensive Sign Plan to reallocate and combine allowable wall sign area from a maximum of 350 square feet per sign to a maximum 672 square feet per sign along the Genesee Avenue frontage of the Westfield UTC Shopping Center. The center is located at the south east corner of Genesee Avenue and La Jolla Village Drive in the CR-1-1 Zone and CPIOZ-A overlay of the University Community Plan area within Council District 1.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Staff (Process 2).

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Development Services Staff.

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project has been determined to be exempt from CEQA pursuant to Section 15301. This section allows for minor alterations to public or private structures that involve negligible or no expansion of use. The proposed sign plan modifications do not result in any additional usable square footage of the center, therefore, there is no expansion of use and this exemption applies. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

CITY CONTACT: Patrick Hooper, Development Project Manager
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER: (619) 557-7992

On November 20, 2012, 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 of San Diego City Council. If you have any questions about this determination, contact the 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 days 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.