SCHWARTZ HEIDEL SULLIVAN, LLP

WWW.SANLAWYERS.COM

TIMOTHY K. GARFIELD
LYNNE L. HEIDEL
LAUREL LEE HYDE
ROBIN M. MADAFFER
WILLIAM J. SCHWARTZ, JR.
KEVIN P. SULLIVAN

WRITER'S EMAIL:
ROBIN@SANLAWYERS.COM

April 26, 2012

Via Electronic Mail

Councilmember Sherri Lightner
Chair of Economic Development and Strategies Committee
c/o Dominika Bukalova, Committee Consultant
202 C Street
San Diego, CA 92101

Re: 2011 Regulatory Relief Day Suggestion Matrix – Suggestion #28, Part 1

Dear Councilmember Lightner:

Congratulations on being appointed Chair of the Economic Development and Strategies Committee. On behalf of businesses in San Diego, we look forward to working with you to improve and stimulate economic development in San Diego.

As you know, we represent Westfield LLC ("Westfield") with respect to its regional malls in San Diego. Westfield presented some issues to the City Council during the Regulatory Relief Day Workshop held on November 14, 2011 ("Workshop"). In response to your request for clarification of those issues, we submit the following explanation and suggestions for improving the City's Development Services expedite process. Specifically, we request your consideration of an accountability process for projects which are being expedited as a result of a determination by the City that they have economic benefits to the City.

What Westfield suggested during the Workshop was a revision to the City's Preliminary Review Process described in Information Bulletin 513. This comment is referenced in the Regulatory Relief Day Suggestion Matrix as "Comment #28, Part 1." Specifically, Westfield suggested that the City apply expedited review to any process for projects deemed to be an Economic Development Project through the City's Economic Development Department, and for which expedite fees are paid. If a project is being expedited for economic development reasons, the expedited process should apply to any process, including but not limited to Preliminary Review, Plan Check, and Alternative Compliance.

For instance, Westfield's revitalization of UTC is a complex, phased project which involves both existing structures and new construction. The project is a $180 million investment in the City, creating approximately a thousand jobs and generating over $1 million in new general fund revenues annually. As such, it was determined by the City Economic Development Department to be a project bringing significant economic benefits to the City and was designated for expedited processing. Complex projects like this often require alternative building code compliance be approved by the City's Building Official. However, despite the determination that Westfield UTC has significant economic benefits for the City, and despite Westfield also paying additional expediting fees for processing; once the issue of alternative building code compliance is raised the process slows significantly.

Alternative code compliance is not uncommon for large projects and there is a process for approving alternative compliance. However, if a project is part of an expedite program, we believe the alternative code compliance process should be expedited as well. In fact, any review process should be expedited with accountability for quicker turnaround times if it is determined that the project has economic benefits to the City.

Again, we appreciate the opportunity to make these suggestions and look forward to discussing them further with the Economic Development and Strategies Committee.

Very truly yours,

Robin Madaffer

cc: Jerry Engen, Westfield
Greg Fitchitt, Westfield