



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: December 9, 2020 REPORT NO. HO-20-062

HEARING DATE: December 16, 2020

SUBJECT: POLK 4 MAP WAIVER Process Three Decision

PROJECT NUMBER: [662123](#)

OWNER/APPLICANT: Moonlight Point, LLC / MRoland Management Services, LLC

### SUMMARY

Issue: Should the Hearing Officer approve the Tentative Map Waiver for the creation of four condominium units under construction and waive the requirement to underground existing off-site overhead utilities at 2828 Polk Avenue in the North Park Community Plan Area?

Staff Recommendation: **Approve** Tentative Map Waiver No. 2418681 and a waiver of the requirement to underground existing off-site overhead utilities.

Community Planning Group Recommendation: On July 21, 2020 the North Park Community Planning Group voted 6-0-0 to recommend approval of the proposed project without conditions/recommendations (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use or Density) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 12, 2020, and the opportunity to appeal that determination ended November 27, 2020 (Attachment 6).

### BACKGROUND

The Polk 4 project site is located at 2828 Polk Avenue (Attachments 1 & 3). The 0.092-acre site is zoned RM-3-7 and is designated Residential – Medium High (30-44 du/ac) in the [North Park Community Plan](#). The project site is within an urban, developed residential neighborhood, surrounded by a mix of single and multi-family development on all sides, with the North Park Community Park one block to the west.

The proposed project is a subdivision only and does not propose any additional development. The units proposed for subdivision are currently under construction. During the ministerial review the project was determined to comply with all zoning regulations; a discretionary permit was not required. The Building Permit for the multi-family units was approved on July 8, 2019 as part of Project No. [627729](#). At the time of building permit issuance, the applicant paid an in-lieu fee to comply with the City's Affordable Housing Regulations.

## DISCUSSION

### Project Description:

The project proposes the creation of four residential condominium units (under construction). The units were approved ministerially as part of project 627729 and are not a part of this application. The proposed subdivision complies with all applicable development regulations and no deviations are proposed. Future purchasers of the units will be required to adhere to the development regulations of the RM-3-7 zone.

The property will continue to front on Polk Avenue and take access from Polk Avenue and the alley, with all required public utilities and services located adjacent to the site. No additional development is proposed with this map, which waives the requirement to underground existing offsite overhead utilities pursuant to San Diego Municipal Code section 144.0242(c)(1)(B) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

## CONCLUSION

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and Land Development Code regulations. The project conforms to the North Park Community Plan and General Plan. Staff has provided draft findings and conditions (Attachment 4 & 5) and recommends the Hearing Officer APPROVE Tentative Map Waiver No. 2418681.

## ALTERNATIVES

1. Approve Tentative Map Waiver No. 2418681 and the waiver for the requirement to underground existing off-site overhead utilities, with modifications.
2. Deny Tentative Map Waiver No. 2418681 and the waiver for the requirement to underground existing off-site overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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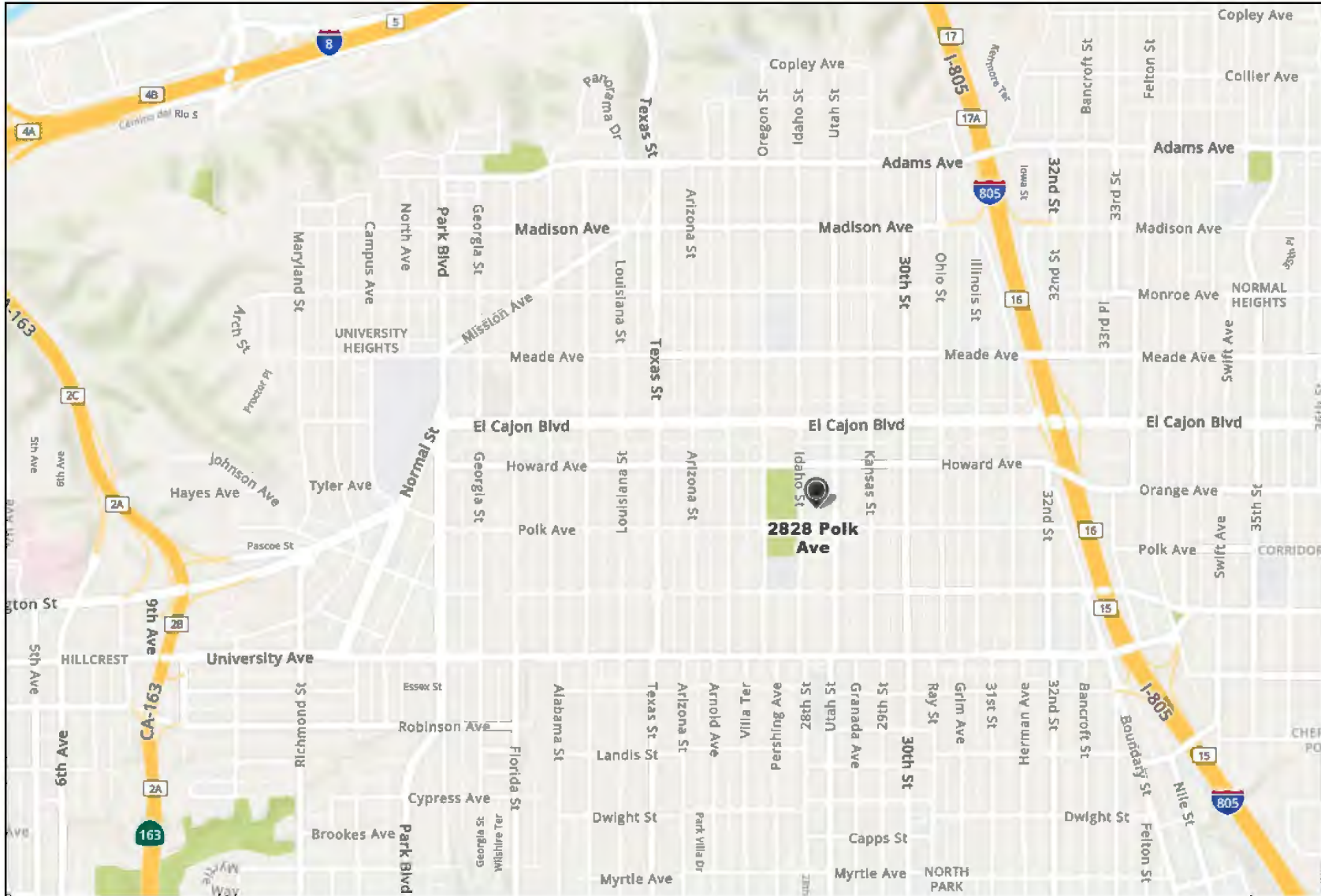
Carrie Lindsay, Development Project Manager

Attachments:

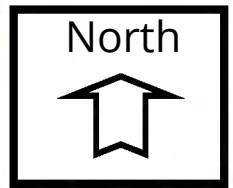
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Tentative Map Waiver Exhibit



# Project Location Map



**Polk 4 Map Waiver, Project Number 662123**  
**2828 Polk Avenue**







# Community Plan

Figure 2-1: Community Plan Land Use Map

Project Site

## LEGEND

### Residential

- Residential - Low : 5-9 Du/Ac
- Residential - Low Medium : 10-15 Du/Ac
- Residential - Medium : 16-29 Du/Ac
- Residential - Medium High : 30-44 Du/Ac \***
- Residential - High : 45-54 Du/Ac
- Residential - Very High : 55-73 Du/Ac

### Commercial, Employment, Retail, and Services

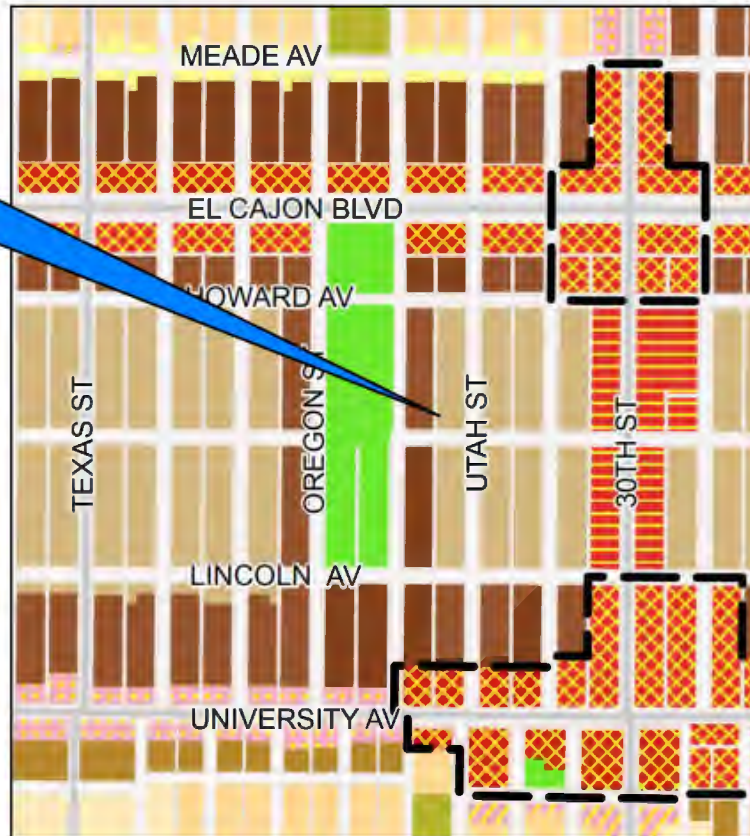
- Community Commercial : 0-29 Du/Ac
- Community Commercial : 0-44 Du/Ac
- Community Commercial : 0-54 Du/Ac
- Community Commercial : 0-73 Du/Ac\*\*
- Community Commercial : 0-109 Du/Ac\*\*\*
- Neighborhood Commercial : 0-29 Du/Ac
- Neighborhood Commercial : 0-73 Du/Ac

### Park, Open Space, and Recreation

- Open Space
- Park

### Institutional, and Public/Semi-Public Facilities

- Institutional
- Community Village
- Community Plan Boundary

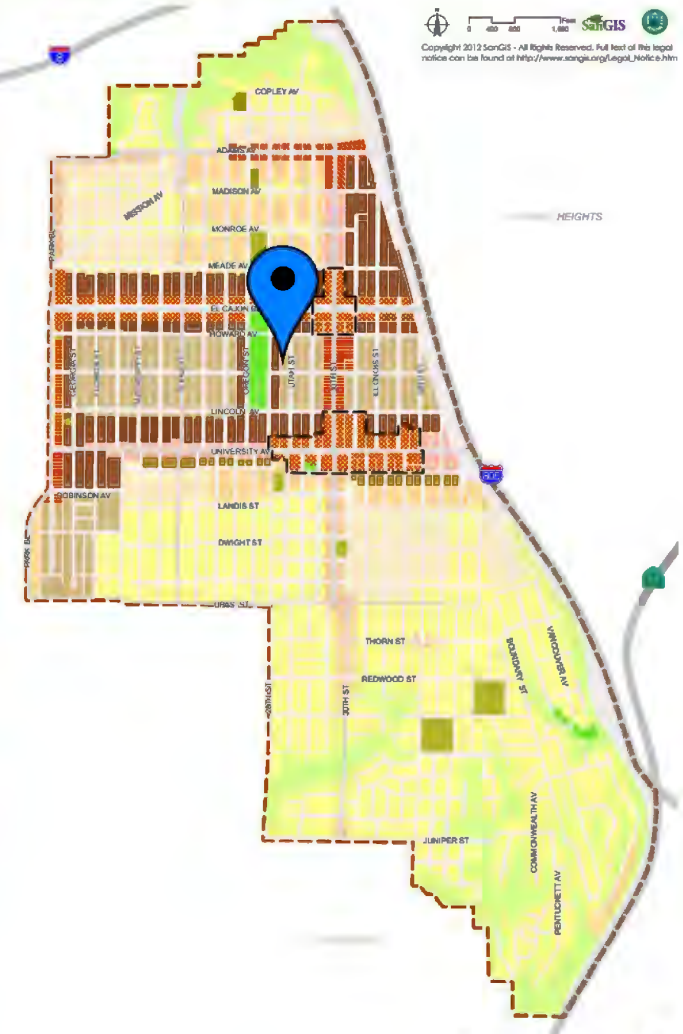


Per LU Figure 2-4

\* Residential Density up to 73 DU/AC allowed via PDP

\*\* Along Park Blvd. Residential Density up to 145 DU/AC allowed via PDP

\*\*\* Along El Cajon Blvd. Residential Density up to 145 DU/AC allowed via PDP



North

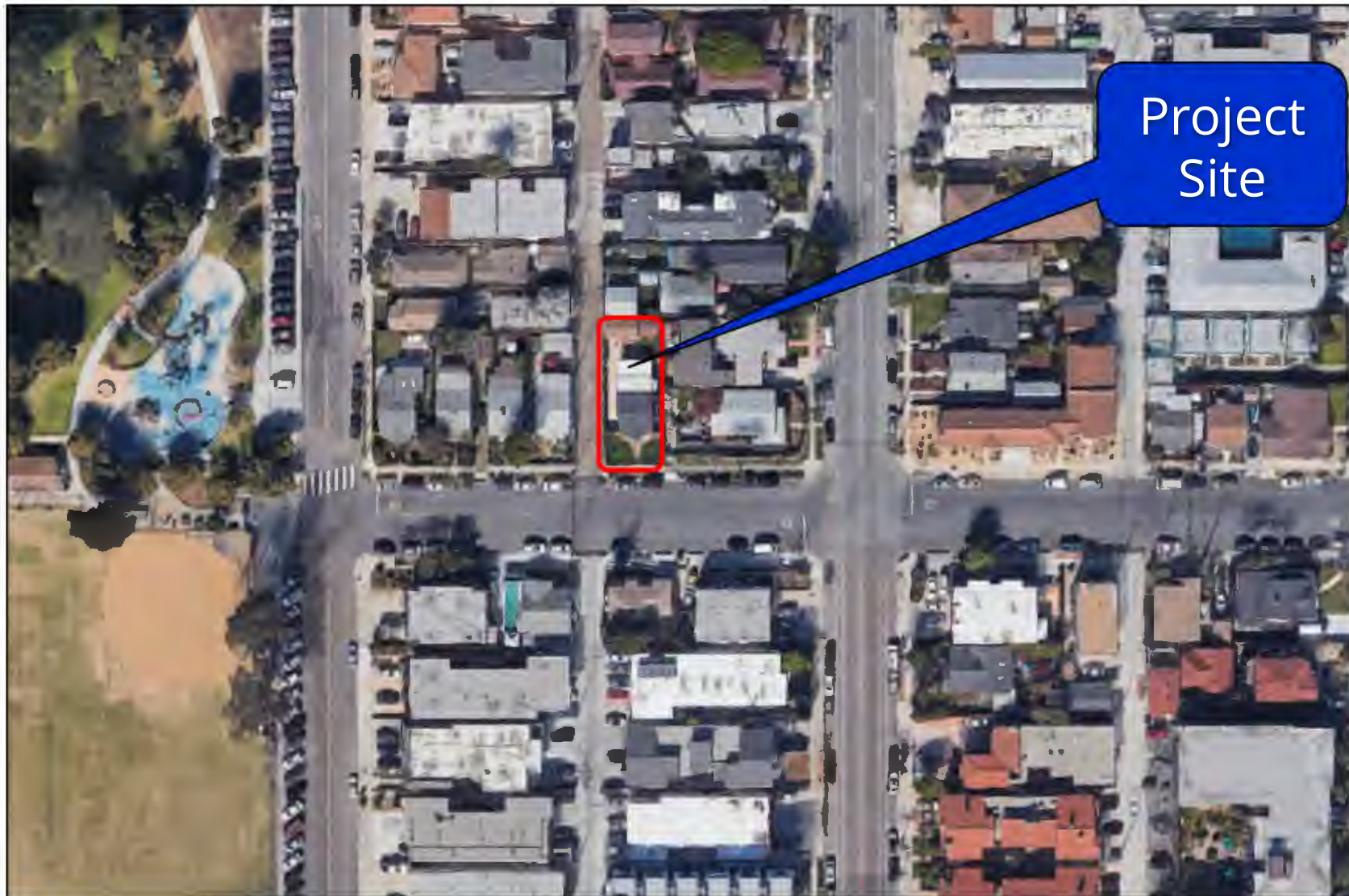


ATTACHMENT 2

**Polk 4 Map Waiver, Project Number 662123**  
**2828 Polk Avenue**



# Aerial Photo



**Polk 4 Map Waiver, Project Number 662123**  
**2828 Polk Avenue**



ATTACHMENT 3

RESOLUTION NO. \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

**A RESOLUTION OF THE HEARING OFFICER ADOPTING THE  
FINDINGS AND APPROVING TENTATIVE MAP WAIVER NO. 2418681  
FOR  
POLK 4 MAP WAIVER – PROJECT NO. 662123**

WHEREAS, MOONLIGHT POINT, LLC, Subdivider, and METROPOLITAN MAPPING, Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. 2418681, to waive the requirement for a Tentative Map and Parcel Map for the creation of 4 residential condominium units for the project currently under construction, and to waive the requirement to underground existing utilities. The project site is located at 2828 Polk Avenue, in the RM-3-7 zone, within the North Park Community Plan Area. The property is legally described as: PARCEL 1 OF PARCEL MAP 21807 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON, SEPTEMBER 18, 2020 AS FILE NO.2020-7000322; and

WHEREAS, the Map proposes the subdivision of a 0.092-acre site into four residential condominium units; and

WHEREAS, on November 12, 2020, 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 Guidelines Section 15305, Minor Alterations in Land Use Limitations and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of four units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is four; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c)(1)(B) in that the conversion involves a short span of overhead facility (less than one full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on December 16, 2020, the Hearing Officer of the City of San Diego considered Map Waiver No. 2418681, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0123, 125.0440 (tentative map), and 144.0240 (underground), of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 2418681:



**A. Findings for a Tentative Map – SDMC 125.0440**

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The Polk 4 Tentative Map Waiver proposes to create four new residential condominium units in buildings under construction and to waive the requirements to underground existing utilities. The 0.092-acre site is located at 2828 Polk Avenue in the RM-3-7 zone and the Residential – Medium High (30-44 du/ac) land use designation within the North Park Community Plan. All properties to the north, east and south are within the same zone and land use designation. Residential property zoned RM-3-9 and designated Residential – Very High (55-73 du/ac) is located to the west.

The project is consistent with the North Park Community Plan goals and policies, including Policy LU-4.15: Support rental and ownership opportunities in all types of housing, including alternative housing such as companion units, live/work studios, shopkeeper units, small-lot housing typologies, and for-sale townhomes.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The project is a subdivision only and does not facilitate any additional development. The proposed Map Waiver complies with the applicable zoning and development regulations of the Land Development Code. No deviations are required to approve the Map Waiver.

The condominium units were previously approved in compliance with all applicable development regulations. Future purchasers of the units will be required to observe the requirements of the RM-3-7 zone. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

**3. The site is physically suitable for the type and density of development.**

The project is a subdivision only. The units are currently under construction and are located in a medium-high density residential neighborhood. The 3,996-square-foot project site is designated RM-3-7, with 6,332 square feet of floor area of residential condominium units where 7,192 square feet is allowed. The project consists of two sets of duplex townhomes, four units total, in three stories. Parking requirements have been met with 2.0 spaces per unit, each home having a two-car garage off the alley. There are existing overhead facilities in the abutting public right-of-way. The project qualifies for a waiver from the requirement to underground these facilities in accordance with San Diego Municipal Code Section 144.0242(c)(1)(B). No changes are proposed for the lot size of the site on 2828 Polk Avenue as previously approved under Project No. 660967. Therefore, the subdivision to create four condominium units is physically suitable for the type and density development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The project is a subdivision only and does not facilitate any additional development. The infill project site is located in a developed area. No additional development is proposed with this map waiver. Future operations at the site would be required to comply with the Land Development Code Regulations and construction permit requirements. The site is in a developed, urban neighborhood with no Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. Therefore, the subdivision to create four condominium units is physically suitable for the type and density of the development.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.**

The project proposes to create four residential condominium units in two duplexes in an urban neighborhood. The Tentative Map Waiver includes conditions and corresponding exhibits of approval and is consistent with the requirements of the Land Development Code and the Subdivision Map Act.

The developed project site is served by existing utilities and pedestrian access is provided via public street on Polk Avenue and vehicle access via an existing alley. Future development would be required to comply with Land Development Code Regulations and Building Permit Requirements. Therefore, the design of the subdivision or the types of improvements will not be detrimental to public health, safety and welfare.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

The design of the condominium subdivision does not conflict with any existing easements, there are no dedications proposed, and no public access is required across this site fronted by Polk Avenue. Pedestrian access to the subdivision is provided via public street on Polk Avenue and vehicle access is provided via an existing alley. Therefore, the design of the subdivision and proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.**

The project site is currently under construction and complies with all current codes and The California Code of Regulations Title 24 Standards. It is located in a developed urban neighborhood and the underlying zone provides opportunity through building materials, site orientation, architectural treatments, placements and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.**

The project site is currently under construction and is within a medium-high density urban neighborhood. It is not anticipated to have employment or housing impacts beyond those which have already occurred. Future development on the property would be subject to the underlying zone regulations at the time of application. The site is served by existing public infrastructure including public transit in the immediate area, the proximity of shopping, and essential services and recreation in the nearby developed urban area. Impacts to environmental resources would be avoided because the site is in a developed urban neighborhood and does not contain, nor is adjacent to such resources. Therefore, there would be no additional demand for public services or available fiscal and environmental resources associated with the creation of four new condominium units.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map Waiver No. 2418681 including the waiver of the requirement to underground existing offsite overhead utilities is hereby granted to MOONLIGHT POINT, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Carrie Lindsay  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Waiver Conditions

Internal Order No. 11004543

## ATTACHMENT 5

HEARING OFFICER  
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2418681  
**POLK 4 - TENTATIVE MAP WAIVER - PROJECT NO. 662123**  
ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON \_\_\_\_\_

### **GENERAL**

1. This Map Waiver will expire December 31, 2023.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

### **ENGINEERING**

6. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
7. The Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), 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.
8. The Subdivider shall prepare Covenants, Conditions & Restrictions (CC&Rs) for the operation



## ATTACHMENT 5

and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

9. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

### **MAPPING**

10. A Certificate of Compliance (COC) shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver (TMW).
11. Prior to the recordation of the Certificate of Compliance, all conditions in the Tentative Map Waiver (TMW) Resolution of Approval must be satisfied.
12. Prior to the recordation of the Certificate of Compliance, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Certificate of Compliance.
13. Prior to the issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monument was missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

### **INFORMATION:**

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

## **ATTACHMENT 5**

- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 11004543

## NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk  
 P.O. Box 1750, MS A-33  
 1600 Pacific Hwy, Room 260  
 San Diego, CA 92101-2400

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

☐ Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

**Project Name/Number:** Polk 4 Map Waiver/662123

**SCH No.:** N.A.

**Project Location-Specific:** 2828 Polk Ave, San Diego CA 92104

**Project Location-City/County:** San Diego/San Diego

**Description of nature and purpose of the Project:** The project is a Map Waiver application to waive the requirements of a Parcel Map to create 4 residential condominium units in buildings under construction. The project is on a 0.092-acre (4,000 square foot) site at 2828 Polk Ave in the Multifamily Residential (RM-3-7) Zone. The project is in an Airport Influence Area for San Diego International Airport-Review Area 2, and within a Transit Priority Area within the North Park community Plan, Council District 3. The construction of structures was approved under separate ministerial approval under Project No. 627729.

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** Maggie Roland, 3752 Park Blvd Ste 701, San Diego, CA, 92103, 619-578-2916

**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))
- ☒ Categorical Exemption: Existing Facilities, Sec. 15305
- ☐ Statutory Exemptions:

**Reasons why project is exempt:** The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, which consists of minor alterations in land use limitations in areas with an average slope of less than twenty (20) percent, which do not result in any changes in land use or density. In addition, the exceptions listed in Section 15300.2 would not apply.

Lead Agency Contact Person: Jamie Kennedy

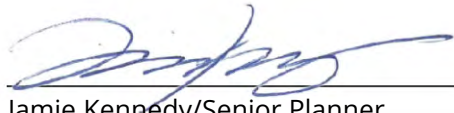
Telephone: 619-446-5445

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

## ATTACHMENT 6

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA



Senior Planner

Jamie Kennedy/Senior Planner

11/30/2020

Date

Check One:

☒ Signed By Lead Agency

☐ Signed by Applicant

Date Received for Filing with County Clerk or OPR:





## NORTH PARK PLANNING COMMITTEE (NPPC)

### Draft Meeting Minutes

July 21, 2020; 6:30 pm

### Virtual Meeting Via Zoom Platform

[www.northparkplanning.org](http://www.northparkplanning.org)

[info@northparkplanning.org](mailto:info@northparkplanning.org)

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#### I. Parliamentary Items

(6:30 p.m.)

##### 1. Call to Order, Roll Call and Attendance Report

Member	Steve Billings	Steve Doster	Daniel Gebreselassie	Arash Kahvazadeh	Vacant Seat	Sarah McAlear	Aria Pounaki	Jen Spencer	Melissa Stayner	Matt Stucky	Tim Taylor	Marissa Tucker	Eduardo Velasquez*	René Vidales	Randy Wilde
Attendance		x	x	x		x	x	x	x	x	x	x	x	x	x
Late															
Absences	2												1		

\*Eduardo Velasquez was present on the zoom meeting but was unable to contribute due to technical difficulties. Subsequently requested that his "votes" be listed as abstentions in the record.

##### 2. Modifications to the NPPC Agenda

- Urgent Non-Agenda Action Items:** NONE
- Todd Gloria** gave a special thanks to **René Vidales** for his years of service on NPPC.
- Consent Agenda**
  - Urban Design/Project Review. Members present: Stayner, Pounaki, Hill, Spencer, Tucker, Vidales.
    - Map Waiver Application at 2828 Polk Ave (Process 3) Project Number 662123.** Polk 4 Map Waiver application to waive the requirements of a Parcel Map to create 4 residential condominium units in buildings under construction on a 0.092 acre site at 2828 Polk Ave in the RM-3-7 Zone within the North Park Community Plan, Transit Area Overlay and Transit Priority Area. Council District 3. Maggie Roland, applicant.  
**SUBCOMMITTEE MOTION:** *To recommend approval of the Map Waiver for 2828 Polk Ave. because increasing access to opportunities to home ownership increases neighborhood stability and desirability. However, the NPPC strongly believes that the often-used "dual tracking" method of initially permitting a building as apartments, to later change to condominiums, deliberately circumvents neighborhood input into the design process. NPPC would like to work with city staff to improve upon this process.*  
**Pounaki/Tucker (6-0-0)**
    - Diversionary Theatre Right of Way Neighborhood Development Permit at 4545 Park Blvd (Process 2) Project Number 662938.** NDP to install a new 6 ft. high fence with sliding gate encroaching 1.5 ft into the public right-of-way, and new planting in front of

the gate (2.5 ft high max), located at 4545 Park Boulevard. The site is located in the CN-1-3 zone, Transit Priority Area within the North Park Community Plan area, Council District 3 Presenters: Matthew Paola, Architect; and Matthew Morrow, Owner.

**SUBCOMMITTEE MOTION: To recommend approval of the 6-ft high fence with 2'10" encroachment into the public right of way for 4545 Park Blvd. as presented. Vidales/Spencer (5-1-0) (Pounaki against)**

Public comment:

**Pat Sexton:** There seems to be no minutes from the sub-committee mtg posted, would like to know if there were any public comments. **Pounaki:** Russ Lopez had public comment at the subcommittee mtg.

**MOTION: To approve the Consent Agenda. Stayner 9-2-2 (Stucky & Pounaki voting no; Kahvazadeh abstained due to unfamiliarity & Velasquez abstained due to technical difficulties)**

3. **Minutes:** Approval of the June 16, 2020 Minutes.

**MOTION: To approve the June 16, 2020 Minutes. Taylor/Wilde 12-0-1 (Abs: Eduardo Velasquez technical difficulties)**

4. **Treasurer's Report:** Sarah McAlear/Randy Wilde. Account balance is \$869.57  
a. Annual donation to Horizon NP Christian Fellowship for hosting meetings.

**MOTION: To approve annual donation of \$150 to Horizon NP Christian Fellowship for use of their facilities. Kahvazadeh/Tucker 12-0-1 (Abs: Velasquez technical difficulties)**

- II. **Non-Agenda Public Comment:** Limited to Items not on the Agenda and non-debatable. Two-minute maximum, Chair can award more time.

**Chris Ward, City Councilmember District 3:**

- Ballot Measures – Midway Community Height limit repeal & Housing bond (900 million to build 7500 affordable homes in San Diego) both advance to November ballot.
- Thank and honor René Vidales all his hard work – he has been a central figure of the revitalization of North Park. Presented him an accommodation for his advocacy for North Park.
- North Park Mini-Park – chance to buy an engraved paver to support programming at the future park.

**Carrie Schneider, San Diego Canyonlands:**

- Switzer Canyon is having a replacement of water and sewer pipelines – she is requesting the city do a presentation of the project so that the community can have input on design and environmental issues before it's too late. Arash said that the City of SD will be presenting at the next Public Facilities sub-committee mtg on Aug. 11<sup>th</sup> at 6pm via zoom.

**Sarah Davis, Candidate for Assembly District 78**

- Advocate for universal health care, life-long San-Diego resident.

**Matt Thompson, NP resident**

- Wanted to thank René Vidales for his years of service and dedication.

**Kate Callen, SONO Alliance**

- Neighborhood non-profit, sponsor community forums, sign up for free email list, website: <http://sonoalliance.org/>

- III. **Announcements & Event Notices:** Limited to One minute each.

1. **North Park Thursday Market (Farmers Market).** Every Thursday 3pm-7:30pm year-round. More info at: <https://northparkmainstreet.com/events/farmers-market/>
2. **North Park Community Plan Amendment and Rezone.** The project includes the following amendment: Redesignate 3.5 acres located between Florida St. and the parallel alley east of Florida St. and between Upas St. and Cypress Ave., from Residential Low 5-9 dwelling units per acre (du/ac) to Residential Medium High 30-44 du/ac. Planning Commission Virtual meeting, July 23 at 9 am. <https://www.sandiego.gov/planning-commission> . Contact Nathen Causman, Associate Planner (619) 236-7225 [NCausman@sandiego.gov](mailto:NCausman@sandiego.gov) for more information.

IV. **Elected Official & Planner Reports:** Reports are limited to 2 Min Max

1. **Maria Bojorquez-Gomez, Hon. Susan Davis, US Congress Dist. 53,** 619-208-5353, [maria.bojorquez-gomez@mail.house.gov](mailto:maria.bojorquez-gomez@mail.house.gov) – No report given
2. **Mathew Gordon, Hon. Todd Gloria, State Assembly Dist. 78,** 619-645-3090, [Mathew.Gordon@asm.ca.gov](mailto:Mathew.Gordon@asm.ca.gov)
3. **Chevelle Newell-Tate, Hon. Toni Atkins, State Senate Dist. 39,** 619-645-3133, [Chevelle.Tate@sen.ca.gov](mailto:Chevelle.Tate@sen.ca.gov).
  - Budget passed, email with any questions. Senate housing package; SB 995 and SB 1120 – both introduced by Senator Atkins.
  - Senator Toni Atkins sent a video thanking René Vidales for his years of service.
4. **Brett Weise, Hon. Chris Ward, City Council Dist. 3,** 619-236-6633 [BWeise@sandiego.gov](mailto:BWeise@sandiego.gov).
  - Affordable housing bond to raise 900 million to build 7500 units of affordable housing, Federal Cares Act went online – if you need rental assistance you can apply. Expanded outdoor dining permit into ROW & Parking lots areas.

**Question from Tim Taylor:** Feels like there is a lack of signage in city parks regarding masks and social distancing. Brett said he would bring this to the attention of the parks staff and what methods of communications are currently being pursued and if increased signage is part of the plan.

**Question from Pat Sexton:** Restaurants on sidewalks and parking spaces – what about 30<sup>th</sup> St.? Brett says that there is a separate proposal to close portions of 30<sup>th</sup> Street that was being pursued by North Park Main Street and has not been voted on by City Council yet. It is separate from the permit for expansion into ROW and parking lots.

**Carrie Schnieder Comment:** Follow up on face mask question, when she asked a park ranger she was told they are not allowed to enforce mask wearing in the park.
5. **Bernie Turgeon, Planning Department,** 619-533-6575, [BTurgeon@sandiego.gov](mailto:BTurgeon@sandiego.gov). No report given.

V. **Action Items:**

1. **NPPC Transition Plan.** Discussion of transition to interim Chair and interim officers until the 2020-2021 election is held and the new board gets seated.
  - a. **State of NPPC current board.** This is the last meeting chaired by René Vidales, who is leaving the board at the end of the month. Secretary Marc Gould has missed a number of meetings and therefore has lost his seat. With 2 board officers down, the 13 remaining board members need to vote on the next set of officers for the coming months until the NPPC election is held and the new board gets seated.

**Public Comment:**

**Pat Sexton:** Why can't the Vice-chair become chair and everyone else stay the same? **Answer:** Secretary position is open as well due to Marc's absence and there is a need to have every position filled.

- b. **Election of Board Officers.** Chair, Vice Chair, Secretary, Treasurer, Community Planners Committee (CPC) Representative & Alternate

**MOTION:** To approve Aria Pounaki as Chair. Tucker/ Kahvazadeh 12-0-1 (Abs: Eduardo Velasquez technical difficulties)

**MOTION:** To approve Steve Doster as Vice Chair. Pounaki/McAlear 12-0-1 (Abs: Eduardo Velasquez technical difficulties)

**MOTION:** To approve Jen Spencer as Secretary. McAlear/Tucker 12-0-1 (Abs: Eduardo Velasquez technical difficulties)

**MOTION:** To approve Sarah McAlear as Treasurer. Tucker/ Pounaki 12-0-1 (Abs: Eduardo Velasquez technical difficulties)

**MOTION:** To approve Matt Stucky as Community Planners Committee (CPC) Representative and Tim Taylor as Alternate. 10-1-2 (Gebreselassie voting no; Stucky abstaining to avoid voting for himself, Eduardo Velasquez abstaining due to technical difficulties)

The new roster with the names of officers and board members, as well as the CPC Representative and Alternate will be sent to the City for their records by Aria Pounaki.

- c. **Appointment of Subcommittee Chairs & Liaisons.**

The following members were appointed:

- i. Melissa Stayner as Chair and Jen Spencer as Vice Chair of the Urban Design/Project Review Subcommittee
- ii. Arash Kahvazadeh as Chair and Steve Doster as Vice Chair of the Public Facilities & Transportation Subcommittee
- iii. Howard Blackson to continue as Balboa Park Committee liaison, with Vicki Granowitz to continue to give the report
- iv. Matt Stucky as Maintenance Assessment District (MAD) Liaison
- v. Steve Billings as North Park Main Street (NPMS) Liaison
- vi. Arash Kahvazadeh as Adams Avenue Business Association (ABBA) Liaison
- vii. Randy Wilde as El Cajon Boulevard Business Improvement Association (ECBBIA) Liaison
- viii. Peter Hill as North Park Community Association Liaison
- ix. Randy Wilde as University Heights Community Association Liaison

- d. **Request to the City for alternatives to holding the NPPC election.** The NPPC, as well as half of the total number of community planning groups in the City have not been able to hold their annual election due to COVID-19 restrictions.

Board Comment:

**Tucker:** City has not had ANY recommendations, so no matter what we move forward with, it does not matter.

**Gebreselassie:** Put in the agenda to fill 2 vacant positions by next mtg, recommend people who already submitted their names.

**Stuckey:** According to our by-laws two or more vacancies must be filled by a general election open to the community – there are other planning committees are facing similar situations like this. However, if we only have one open position, it can be filled by a board-only special election.



Public Comment:

**Vicki Granowitz:** Quorum will be based on new number of the board – 13 not 15 - so you won't need to worry about having a quorum, unless you have less than 7 board members present at a meeting.

**Vicki Granowitz:** I have seen other Community Planning Groups do this scenario (Uptown): René could stay on the board (only resign as chair) for another month and you could have a special election next month (August) for Marc's seat. Then René could submit his letter of resignation from the board, and we could have special election in September for his position. René offered to rescind his resignation from the board.

Sarah McAlear, Marissa Tucker and Vicki Granowitz were appointed to the sub-committee for the special election.

**MOTION:** For a special election in September to fill Marc Gould's board position.

Gebreselassie/Pounaki 12-0-1 (Abs: Eduardo Velasquez technical difficulties)

It was decided to announce to the public that we are seeking qualified board members to apply for the special election. [Addendum: It was later determined by city staff that this would be a conflict of NPPC by-laws and that the Special Election cannot continue]

2. **Complete Communities: Housing Solutions and Mobility Choices.** Housing Solutions and Mobility Choices proposes amendments to the San Diego Municipal Code (SDMC) to provide incentives to increase housing production and expand the mobility network around transit hubs and existing development. The initiative removes regulatory barriers to housing to all income levels, especially low, very low, and moderate-income households, while investing in neighborhood and mobility amenities, such as recreational opportunities, street trees, linear parks, bicycle facilities, urban plazas, and promenades. These types of investments increase the quality of neighborhoods where new housing is proposed by creating more walkable, bikeable and enjoyable spaces, which in turn helps the City meets its Climate Action Plan goals. Prioritizing these investments in areas where the investments are needed most are central to the intent behind the Complete Communities initiative. The Housing Solutions draft documents are available at:  
<https://www.sandiego.gov/planning/programs/completemunities/housingsolutions>  
 The Mobility Choices documents are available at:  
<https://www.sandiego.gov/planning/programs/mobility/mobilitychoices>

Aria Pounaki made a presentation on Housing Solutions. Arash Kahvazadeh made a presentation on Mobility Choices.

Public Comment:

**Matt Thompson:** Could you highlight an item / anything that go against existing planning guidelines/municipal codes, etc. **Answer:** setbacks would remain, but buildings could get taller.

**Bob LaRose:** Would sweeping plans from Sacramento would sidestep these local plans? **Answer:** Any changes to state laws would still need to meet local codes if they were more stringent. Either/or – complete communities is a “city” plan, not state. **Randy Wilde:** please contact Todd Gloria's office to see how plans relate to state laws.

**Pat Sexton:** worried about height of new buildings and the affect it will have on the character of our neighborhood. Will this allow builders to make buildings as tall as possible? **Aria:** If developers

agree to do meet program guidelines, then you get to use different approval mechanisms and guidelines that could result in taller buildings, but there would still be municipal codes to follow.

**Vicki Granowitz:** Housing portion is unlikely to create substantial changes in North Park as it would be too difficult/expensive for developers to move forward with. Added in that the mobility and housing presentations were great.

**Michael Bagnas:** Concerned about the destruction of North Park and the character of the neighborhood. Transit considerations need to take into account topography, should not be “as the crow flies”.

**Pat Sexton:** Worried about North Park turning into a bunch of high-rise buildings, de-values our unique character

*Board Comment:*

**Tucker:** We should generally vote on ‘support’ or ‘not support’ of the amendments and give to city council – b/c otherwise we could be here till midnight.

**Arash:** Likes the simple vote idea

**Daniel:** Great job on the presentations! Gave general consensus that he is worried about tying housing to community, \$9/sf does not seem like enough, and general concern about the fact that public transit hasn’t been upgraded in 30 years.

**Stucky:** Fees charged by sf vs units could incentivize developers to do only studios/small units, could exclude families from the North Park community. Like having a diverse mix of families and individuals now. In regards to Mobility, much of the plan seems to be an attempt to align city law to state mandates. Potential to bring a lot of revenue to North Park, lets make sure we would have projects lined up to support this.

**Stayner:** Good – vote yes on Mobility.

**Wilde:** Can we split housing and mobility solutions? Curious what goes before city council?

**Taylor:** CPC was against housing, was indifferent on mobility. They had concerns about height. Our group did a great job presenting to the community. Thinks we should go with Aria’s recommendations on housing portion. Mentioned that there is a possibility that we might replace some of the larger affordable units with smaller studios. Fear that the mobility plan doesn’t help solve the larger regional mobility issues – might even make it worse – areas would become afraid of new transit lines because of this.

**Spencer:** Likes mobility plan but has issues with housing. While some affordable housing developers would create great public/private connections a lot would sink to the lowest standard of acceptable and w/o any maintenance funding mechanism my fear is that these public areas would all disappear in 5-10 years – either by being paved over, fenced in or something worse. Without community support and management plans the sustainability of these areas will not survive. Money would be better invested into pocket parks that could have active investment by community groups which would foster a sense of ownership and create a stronger incentive for them to protect and preserve the pocket park.

**Doster:** Likes that the fees would be put into vulnerable communities.

**Rene:** Excellent presentations! Desire to split into separate votes. Housing seems to need to be overhauled – it's too restrictive, not cost effective. Mobility will only affect larger developments.

After further discussion, the following motion was made on Mobility Choices

**MOTION:** The NPPC RECOMMENDS SUPPORT of the Mobility Choices element of the complete communities plan. Stucky/Tucker 10-1-2 (Taylor voting no; Abs: Eduardo Velasquez technical difficulties, Sarah McAlear due to temporary absence)

After further discussion, the following motion was made on Housing Solutions.

**MOTION:** The NPPC RECOMMENDS SUPPORT of the Housing element of the complete communities with the following comments and concerns:

- 1.Provision that beneficiaries of these incentives cannot partake in short-term rentals where today there is zero enforcement of any short-term rental ordinances.
- 2.Community amenities to be provided such as linear parks, bike amenities, etc. that are provided by developers today aren't always maintained. There should be a capital allocation plan associated with these amenities so there is some enforceability aspect if they are not maintained.
- 3.This incentive plan has a condition that says already developed land can be developed further based on the remaining lot area. This could be an important provision to stimulate the development of large ugly empty parking lots.
- 4.One benefit is that in areas near "communities of concern" the first right to 60% of affordable housing units be offered to nearby existing qualifying residents. This is a powerful tool for negating the impact of displacement that comes with gentrification and should be expanded further.
5. The quality of the transit in the TPAs is not considered in any of the analysis, assuming that transit access in TPAs is equivalent throughout all planning areas. True reduction in VMT is a goal but acknowledging the real-life conditions of our subpar transit system is important for making a plan that will achieve that goal. Suggestion that incentives be tied to a standard higher than the state's definition of a "TPA".
6. There is no rezoning initiative contemplated in this proposal, this means that many areas that are already zoned multifamily and have been developed will probably not be developed any further due to the cost of land acquisition. Further, it will exacerbate the inequity in multifamily housing distribution with wide swaths of the city nearer to jobs absorbing almost no new housing because they are already zoned for single family homes. There should be efforts to zone more land in TPAs to be multifamily.
7. The ad hoc nature of development also means that a lot of the neighborhood amenities created by developers could be dispersed at random without much consideration (i.e. a widened sidewalk on just one block, a public promenade that leads to nowhere, etc.)

**Taylor/ Pounaki 5-6-2** (Gebreselassie, Doster, Stayner, Spencer, Stucky, Tucker voting no; Abs: Eduardo Velasquez technical difficulties, McAlear due to temporary absence)

The motion fails.

**MOTION:** The NPPC OPPOSES the Housing element of the complete communities plan with the following comments and concerns:

1. Provision that beneficiaries of these incentives cannot partake in short-term rentals where today there is zero enforcement of any short-term rental ordinances.
2. Community amenities to be provided such as linear parks, bike amenities, etc. that are provided by developers today aren't always maintained. There should be a capital allocation plan associated with these amenities so there is some enforceability aspect if they are not maintained.
3. This incentive plan has a condition that says already developed land can be developed further based on the remaining lot area. This could be an important provision to stimulate the development of large ugly empty parking lots.
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7. The ad hoc nature of development also means that a lot of the neighborhood amenities created by developers could be dispersed at random without much consideration (i.e. a widened sidewalk on just one block, a public promenade that leads to nowhere, etc.)

Friendly Amendment from Wilde to read:

**The NPPC OPPOSES the Housing element of the Complete Communities plan with the following comments and concerns, BUT applauds the intent to increase the stock of affordable housing through this plan.**

Kahvazadeh /Tucker 11-1-1 (Gebreselassie voting no; Abs: Eduardo Velasquez technical difficulties)

## VI. NPPC Reports

1. **Chair's Report**
  - a. **From 2006 to 2020 and beyond.** Highlights from the last 15 years
    - i. Slides were shown with highlights of NPPC's achievements – Special Thanks to René Vidales for his years of service and dedication!
  - b. **Community Planners Committee (CPC).** Tuesday, July 28, 2019, 6-8:30 pm. For more info: <http://www.sandiego.gov/planning/community/cpc/agendas/index.shtml>
2. **Social Media.** Sarah McAlear/Randy Wilde. No report given.



3. **NPPC Website Update.** Sarah McAlear/Randy Wilde. No report given.
4. **Subcommittee Reports:**
  - a. Urban Design/Project Review (UDPR): Melissa Stayner Chair, Aria Pounaki Vice Chair –Next meeting August 3, via Zoom.
  - b. Public Facilities & Transportation (PF&T): Steve Doster Chair, Arash Kahvazadeh Vice Chair – Please note meetings have been moved from 2<sup>nd</sup> Wednesday to 2<sup>nd</sup> Tuesday moving forward. Next meeting August 11, via Zoom.
5. **Liaisons Reports:** Limited to 1 Min. Max per Report
  - a. Balboa Park Committee. Vicki Granowitz. No meeting in July.
  - b. Maintenance Assessment District. Matt Stucky. No report given.
  - c. North Park Main Street. Steve Billings. No report given.
  - d. Adams Avenue Business Association. No report given.
  - e. El Cajon Boulevard Business Improvement Assoc. Randy Wilde. No report given.
  - f. North Park Community Association. Peter Hill. No report given.
  - g. University Heights Community Association. Randy Wilde. No report given.
  - h. CPC. Tim Taylor.
    - i. The Committee heard an informational presentation, by the Transportation & Storm Water Dept., on the Master Storm Water System Maintenance Program (MMP) 2019 Annual Report. It was a continuation of the last presentation of the report.
    - ii. The Committee heard an informational presentation, by the Transportation & Storm Water Dept., on the Municipal Waterways Maintenance Plan. It was a continuation of the last presentation of the report.
    - iii. The Committee heard an action item, by the Planning Dept., on the Parks Master Plan and General Plan Recreation Element Amendment branded “Complete Communities: Play Everywhere.” The committee voted to have the matter go to individual CPGs for comment.
    - iv. The Committee heard an action item, presented by the Planning Dept., on proposed amendments to the Municipal Code branded “Complete Communities: Housing Solutions and Mobility Choices.” The initiative would provide incentives to increase housing production and expand the mobility network around transit hubs and existing development. The committee voted to have the item not go to Council in June, that it be vetted by the local CPCs and be revised according to such input.
    - v. The next CPC meeting will be June 23rd.

VII. **Future NPPC Meeting Dates & Agenda Items:** Next meeting is Tuesday, August 18, 2020

VIII. **Motion to Adjourn Wilde/Stucky 12-0-1 (Abs: Eduardo Velasquez due to technical difficulties)**

- 
- **\*\*For more info on any project, enter the SD Development Services PTS number in “Project ID” at <https://opensd.sandiego.gov/Web/Maps/ApprovalsDiscretionary>**
  - NPPC Agendas are posted in the North Park Main Street window at 3939 Iowa St #2.
  - To request an agenda in alternative format, a sign language, or oral interpreter, call (619) 236-6405.
  - NPPC Chair: René Vidales 619-797-6772 or [info@northparkplanning.org](mailto:info@northparkplanning.org)
  - Urban Design/ Project Review Subcommittee Chair: Peter Hill 619-846-2689 or [urbandesign@northparkplanning.org](mailto:urbandesign@northparkplanning.org)
  - Public Facilities & Transportation Subcommittee Chair: Arash Kazavahdeh or [publicfacilities@northparkplanning.org](mailto:publicfacilities@northparkplanning.org)
  - Adams Avenue Business Association: [www.adamsAvebusiness.com/](http://www.adamsAvebusiness.com/)
  - North Park Main Street: [northparkmainSt.com/](http://northparkmainSt.com/)
  - “The Boulevard” El Cajon Boulevard Business Improvement Association: [www.theboulevard.org](http://www.theboulevard.org)
  - North Park Maintenance Assessment District: <http://npmad.org>
  - North Park Community Association. For information about North Park Activities or to have an event posted: [www.northparksd.org](http://www.northparksd.org)
  - University Heights Community Association (UHCA): [www.uhsd.org](http://www.uhsd.org)

## Letter Written to San Diego City Council per NPPC motions on 7/21/20:

August 4, 2020

**North Park  
Planning Committee**San Diego City Council  
202 C St  
San Diego, CA 92101**RE: Complete Communities Mobility and Housing Proposals**

City Councilmembers,

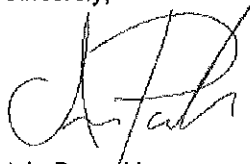
This letter serves to appraise the San Diego City Council of the North Park Planning Committee's (NPPC) opinions and concerns regarding the Mobility Choices and Housing Solutions as outlined in the Complete Communities plan.

**The NPPC voted to SUPPORT the Mobility Choices element of the Complete Communities plan.** Members of the board were supportive of plans that would invest in mobility choices in communities that could disproportionately gain from such investments such as the North Park Community.


As it relates to the Housing Solutions element of the Complete Communities plan, **The NPPC voted to OPPOSE the Housing element with the comments and concerns captured below, BUT applauds the intent to increase the stock of affordable housing through this plan.**

1. There is a provision that beneficiaries of these incentives cannot partake in short-term rentals but today there is zero enforcement of any short-term rental ordinances.
2. Community amenities to be provided such as linear parks, bike amenities, etc. that are provided by developers today aren't always maintained. There should be a capital allocation plans associated with these amenities so there is some enforceability aspect if they are not maintained.
3. This incentive plan has a condition that says already developed land can be developed further based on the remaining lot area. This could be an important provision to stimulate the development of large empty parking lots.
4. One benefit is that in areas near "communities of concern" the first right to 60% of affordable housing units be offered to nearby existing qualifying residents. This is a powerful tool for negating the impact of displacement that comes with gentrification and should be expanded further.
5. The quality of the transit in the TPAs is not considered in any of the analysis, assuming that transit access in TPAs is equivalent throughout all planning areas. True reduction in VMT is a goal but acknowledging the real-life conditions of our subpar transit system is important for making a plan that will achieve that goal. Suggestion that incentives be tied to a standard higher than the state's definition of a "TPA".
6. There is no rezoning initiative contemplated in this proposal, this means that many areas that are already zoned multifamily and have been developed will probably not be developed any further due to the cost of land acquisition. Further, it will exacerbate the inequity in multifamily housing distribution with wide swaths of the city nearer to jobs absorbing almost no new housing because they are already zoned for single family homes. There should be efforts to zone more land in TPAs to be multifamily.
7. The ad hoc nature of development also means that a lot of the neighborhood amenities created by developers could be dispersed at random without much consideration (i.e. a widened sidewalk on just one block, a public promenade that leads to nowhere, etc.), measures should be taken to ensure these projects are harmonious.

Sincerely,



Aria Pounaki  
Chair  
North Park Planning Committee

	<b>City of San Diego Development Services</b> 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	<b>FORM DS-318</b>  October 2017
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**Approval Type:** Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit  
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance  
☐ Tentative Map ☐ Vesting Tentative Map ☒ Map Waiver ☐ Land Use Plan Amendment • ☐ Other \_\_\_\_\_

**Project Title:** Polk 4 Map Waiver **Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 2828 Polk Avenue

San Diego, CA. 92104

**Specify Form of Ownership/Legal Status (please check):**

☐ Corporation ☒ Limited Liability -or- ☐ General - What State? CA Corporate Identification No. 201819710599

☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Property Owner**

Name of Individual: Moonlight Point, LLC, a California limited liability company ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 2079 Garnet Avenue

City: San Diego State: CA Zip: 92109

Phone No.: 858-799-1020, ext. 702 Fax No.: 858-431-6102 Email: ben@tourmalineproperties.com

Signature:  Date: 03/07/2020

Additional pages Attached: ☐ Yes ☐ No

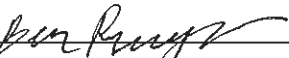
**Applicant**

Name of Individual: Moonlight Point, LLC / Ben Ryan ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 2079 Garnet Avenue

City: San Diego State: CA Zip: 92109

Phone No.: 858-799-1020, ext. 702 Fax No.: 858-431-6102 Email: ben@tourmalineproperties.com

Signature:  Date: 05-16-2020

Additional pages Attached: ☐ Yes ☐ No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached: ☐ Yes ☐ No



**Secretary of State**  
**Articles of Organization**  
**Limited Liability Company (LLC)**

LLC-1

201819710599

FILED

Secretary of State  
 State of California

JUL 16 2018

**IMPORTANT** — Read Instructions before completing this form.

Filing Fee — \$70.00

Copy Fees — First page \$1.00; each attachment page \$0.50;  
 Certification Fee — \$5.00

Note: LLCs may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

This Space For Office Use Only

**1. Limited Liability Company Name** (See Instructions — Must contain an LLC ending such as LLC or L.L.C. "LLC" will be added, if not included.)

MOONLIGHT POINT, LLC

**2. Business Addresses**

a. Initial Street Address of Designated Office in California — Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
2079 Garnet Avenue	San Diego	CA	92109
b. Initial Mailing Address of LLC, if different than item 2a	City (no abbreviations)	State	Zip Code

**3. Service of Process** (Must provide either Individual OR Corporation.)

**INDIVIDUAL** — Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) — Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code

**CORPORATION** — Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 3a or 3b  
 Corporation Service Company which will do business in California as CSC-Lawyers Incorporating Service

**4. Management** (Select only one box)

The LLC will be managed by:

☐

One Manager

☐

More than One Manager

☒

All LLC Member(s)

**5. Purpose Statement** (Do not alter Purpose Statement)

The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

**6. The Information contained herein, including in any attachments, is true and correct.**

*Sandra Farneth*  
 Organizer sign here

Corporation Service Company which will do business in California as

CSC-Lawyers Incorporating Service, Organizer by Sandra Farneth, Assistant Secretary

Print your name here



**Secretary of State  
Amendment to Articles of  
Organization of a  
Limited Liability Company (LLC)**

LLC-2

**IMPORTANT** — *Read Instructions* before completing this form.

**Filing Fee** — \$30.00

**Copy Fees** — First page \$1.00; each attachment page \$0.50;  
Certification Fee - \$5.00

**Note:** You must file a Statement of Information (Form LLC-12), to change the business address(es) of the LLC or to change the name or address of the LLC's manager(s) and/or agent for service of process, which can be filed online at [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov).

**FILED** *ms*  
Secretary of State  
State of California  
AUG 30 2018 *ch*

*IPU* Above Space For Office Use Only

**1. LLC Exact Name** (Enter the exact name on file with the California Secretary of State.)

*Moonlight Point, LLC*

**2. LLC 12-Digit Entity (File) Number** (Enter the exact 12-digit Entity (File) Number issued by the California Secretary of State.)

*201819710599*

**3. New LLC Name (If Amending)** (*See Instructions* — List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

**4. Management (If Amending)** (Select **only** one box)

The LLC will be managed by:



One Manager



More than One Manager



All LLC Member(s)

**5. Purpose Statement** (Do not alter Purpose Statement.)

The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

**6. Additional Amendment(s)** set forth on attached pages, if any, are incorporated herein by reference and made part of this Form LLC-2. (All attachments should be 8½ x 11, one-sided, legible and clearly marked as an attachment to this form LLC-2.)

**Signature**

By signing, I certify that the information is true and correct and that I am authorized by California law to sign.

*[Handwritten Signature]*

Sign here

*Benjamin Ryan*  
Print your name here


18-C41354

FILED

In the office of the Secretary of State  
of the State of California

JUL 17, 2018

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	<b>Secretary of State</b> <b>Statement of Information</b> (Limited Liability Company)	<b>LLC-12</b>	
<b>IMPORTANT — Read instructions before completing this form.</b>			
<b>Filing Fee – \$20.00</b>			
<b>Copy Fees –</b> First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees			
<b>1. Limited Liability Company Name</b> (Enter the exact name of the LLC. If you registered in California using an alternate name, <a href="#">see instructions.</a> ) MOONLIGHT POINT, LLC			
<b>2. 12-Digit Secretary of State File Number</b> 201819710599		<b>3. State, Foreign Country or Place of Organization</b> (only if formed outside of California) CALIFORNIA	
<b>4. Business Addresses</b>			
a. Street Address of Principal Office - Do not list a P.O. Box 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
b. Mailing Address of LLC, if different than item 4a 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
<b>5. Manager(s) or Member(s)</b>			
If no <b>managers</b> have been appointed or elected, provide the name and address of each <b>member</b> . At least one name <u>and</u> address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A ( <a href="#">see instructions</a> ).			
a. First Name, if an individual - Do not complete Item 5b Tourmaline Properties Inc	Middle Name	Last Name	Suffix
b. Entity Name - Do not complete Item 5a Tourmaline Properties Inc			
c. Address 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
<b>6. Service of Process</b> (Must provide either Individual OR Corporation.)			
<b>INDIVIDUAL</b> – Complete Items 6a and 6b only. Must include agent's full name and California street address.			
a. California Agent's First Name (if agent is not a corporation) CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA (C1592199)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State CA	Zip Code
<b>CORPORATION</b> – Complete Item 6c only. Only include the name of the registered agent Corporation.			
c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA (C1592199) AS CSC - LAWYERS INCORPORATING SERVICE			
<b>7. Type of Business</b>			
a. Describe the type of business or services of the Limited Liability Company real estate			
<b>8. Chief Executive Officer, if elected or appointed</b>			
a. First Name Benjamin	Middle Name	Last Name Ryan	Suffix
b. Address 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109

9. The Information contained herein, including any attachments, is true and correct.

07/17/2018

Benjamin Ryan

member

Date

Type or Print Name of Person Completing the Form

Title

Signature

**Return Address (Optional)** (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. [SEE INSTRUCTIONS BEFORE COMPLETING.](#))

Name: [ ]

Company:

Address:

City/State/Zip: [ ]


18-C65964

FILED

In the office of the Secretary of State  
of the State of California

AUG 08, 2018

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	<b>Secretary of State</b> <b>Statement of Information</b> (Limited Liability Company)	<b>LLC-12</b>	
<b>IMPORTANT — Read instructions before completing this form.</b>  <b>Filing Fee – \$20.00</b>  <b>Copy Fees –</b> First page \$1.00; each attachment page \$0.50; Certification Fee – \$5.00 plus copy fees			
<b>1. Limited Liability Company Name</b> (Enter the exact name of the LLC. If you registered in California using an alternate name, <a href="#">see instructions.</a> ) MOONLIGHT POINT, LLC			
<b>2. 12-Digit Secretary of State File Number</b> 201819710599		<b>3. State, Foreign Country or Place of Organization</b> (only if formed outside of California) CALIFORNIA	
<b>4. Business Addresses</b>			
a. Street Address of Principal Office - Do not list a P.O. Box 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
b. Mailing Address of LLC, if different than item 4a 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
<b>5. Manager(s) or Member(s)</b>			
If no <b>managers</b> have been appointed or elected, provide the name and address of each <b>member</b> . At least one name <u>and</u> address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A ( <a href="#">see instructions</a> ).			
a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
b. Entity Name - Do not complete Item 5a Tourmaline Properties Inc.			
c. Address 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
<b>6. Service of Process</b> (Must provide either Individual OR Corporation.) <b>INDIVIDUAL</b> – Complete Items 6a and 6b only. Must include agent's full name and California street address.			
a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State CA	Zip Code
<b>CORPORATION</b> – Complete Item 6c only. Only include the name of the registered agent Corporation.			
c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b CORPORATION SERVICE COMPANY WHICH WILL DO BUSINESS IN CALIFORNIA AS CSC - LAWYERS INCORPORATING SERVICE (C1592199)			
<b>7. Type of Business</b>			
a. Describe the type of business or services of the Limited Liability Company real estate			
<b>8. Chief Executive Officer, if elected or appointed</b>			
a. First Name Benjamin	Middle Name	Last Name Ryan	Suffix
b. Address 2079 Garnet Avenue	City (no abbreviations) San Diego	State CA	Zip Code 92109
<b>9. The Information contained herein, including any attachments, is true and correct.</b>			

08/08/2018

Benjamin Ryan

Member

Date

Type or Print Name of Person Completing the Form

Title

Signature

**Return Address (Optional)** (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. [SEE INSTRUCTIONS BEFORE COMPLETING.](#))

Name: [ ]


Company:

Address:

City/State/Zip: [ ]



18-073480

	<b>Secretary of State</b> <b>Statement of Information</b> (California Stock, Agricultural Cooperative and Foreign Corporations)	<b>SI-550</b>  <b>145</b>
	<b>IMPORTANT — Read instructions before completing this form.</b>  <b>Fees (Filing plus Disclosure) — \$25.00;</b>  <b>Copy Fees — First page \$1.00; each attachment page \$0.50;</b> Certification Fee - \$5.00 plus copy fees	
<b>1. Corporation Name</b> (Enter the exact name of the corporation as it is recorded with the California Secretary of State. Note: If you registered in California using an assumed name, see instructions.)  Tourmaline Properties, Inc.		

**FILED**  
**Secretary of State**  
**State of California**

AUG 30 2018

*1/NF/PC*  
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**2. 7-Digit Secretary of State File Number**

C3386263

<b>3. Business Addresses</b>			
a. Street Address of Principal Executive Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
2079 Garnet Avenue	San Diego	CA	92109
b. Mailing Address of Corporation, if different than Item 3a	City (no abbreviations)	State	Zip Code
2079 Garnet Avenue	San Diego	CA	92109
c. Street Address of Principal California Office, if any and if different than Item 3a - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
		CA	

<b>4. Officers</b>			
The Corporation is required to list all three of the officers set forth below. An additional title for the Chief Executive Officer and Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.			
a. Chief Executive Officer/	First Name	Middle Name	Last Name
	Benjamin		Ryan
Address	City (no abbreviations)		State
2079 Garnet Avenue	San Diego		CA
b. Secretary	First Name	Middle Name	Last Name
	Benjamin		Ryan
Address	City (no abbreviations)		State
2079 Garnet Avenue	San Diego		CA
c. Chief Financial Officer/	First Name	Middle Name	Last Name
	Benjamin		Ryan
Address	City (no abbreviations)		State
2079 Garnet Avenue	San Diego		CA

<b>5. Director(s)</b>			
California Stock and Agricultural Cooperative Corporations ONLY: Item 5a: At least one name and address must be listed. If the Corporation has additional directors, enter the name(s) and addresses on Form SI-550A (see instructions).			
a. First Name	Middle Name	Last Name	Suffix
Benjamin		Ryan	
Address	City (no abbreviations)		State
2079 Garnet Avenue	San Diego		CA
b. Number of Vacancies on the Board of Directors, if any			

<b>6. Service of Process</b> (Must provide either Individual OR Corporation.)			
INDIVIDUAL — Complete Items 6a and 6b only. Must include agent's full name and California street address.			
a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
Gillian		Virsnieks	
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
2079 Garnet Avenue	San Diego	CA	92109
CORPORATION — Complete Item 6c only. Only include the name of the registered agent Corporation.			
c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 6a or 6b			

<b>7. Type of Business</b>
Describe the type of business or services of the Corporation
Real Estate

**8. The information contained herein, including in any attachments, is true and correct.**

8/24/2018 Benjamin Ryan President  
 Date Type or Print Name of Person Completing the Form Title

SI-550 (REV 01/2017)

2017 California Secretary of State  
[www.sos.ca.gov/business/be](http://www.sos.ca.gov/business/be)

TENTATIVE MAP WAIVER (FOR CONDOMINIUM PURPOSES)  
EXISTING LOTS: 1  
PROPOSED LOTS: 1

SITE ADDRESS: 2828 POLK AVENUE, SAN DIEGO, CA 92104

ASSESSOR'S PARCEL NUMBER: 446-301-18

**SITE AREA: 4,000 SF / 0.092 ACRES**

EXISTING ZONING

BASE ZONE: N-157

OVERLAY ZONES  
AIRPORT INFLUENCE AREA (AIA)  
TRANSIT AREA  
TRANSIT PRIORITY AREA

GEOLOGIC HAZARD CATEGORY: 52

FRONT : 10'/20'  
SIDE: 5'  
REAR: 5'

NUMBER OF RESIDENTIAL CONDOMINIUM UNITS: 4  
TOTAL FLOOR AREA OF RESIDENTIAL CONDOMINIUM UNITS: 6,332 SF  
NUMBER OF STORIES: 3  
NUMBER OF BUILDINGS: 2

PARKING REQUIRED: 4 UNITS @ 2.0 SPACES PER UNIT=8 SPACES PROVIDED

**BUILDINGS CURRENTLY UNDER CONSTRUCTION**  
**CONSTRUCTION PROJECT NO. 627729**  
**CONSTRUCTION APPROVAL NO. 2246280**  
**ROW CONSTRUCTION PLAN PROJECT NO. 632152**

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS IS 4.

ALL PROPERTY CORNER MONUMENTS WILL BE SET PER PM 21807

## PM 21807

1. THE SUBDIVIDER SHALL PREPARE COBRS FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE SEWAGE AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.
2. THE SUBDIVIDER SHALL OBTAIN A PLUMBING PERMIT FOR THE INSTALLATION OF APPROPRIATE PRIVATE BACK FLOW PREVENTION DEVICE(S), ON EACH WATER SERVICE (DOMESTIC, FIRE AND IRRIGATION), IN A MANNER SATISFACTORY TO THE PUBLIC UTILITIES DIRECTOR AND THE CITY ENGINEER. BFDPS SHALL BE LOCATED ABOVE GROUND ON PRIVATE PROPERTY, IN LINE WITH THE SERVICE AND IMMEDIATELY ADJACENT TO THE RIGHT-OF-WAY.
3. EXISTING DRAINAGE PATTERNS: SURFACE FLOW TO POLK STREET AND ALLEY

**PROJECT OWNER**  
MOONLIGHT POINT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
2079 GARNET AVENUE, SAN DIEGO, CA 92109

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PARCEL 1 OF PARCEL MAP NO. 21807 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP THEREOF, RECORDED SEPTEMBER 18, 2020 AS FILE NO. 2020-7000322

FIELD SURVEY BY METROPOLITAN MAPPING, DECEMBER 2019

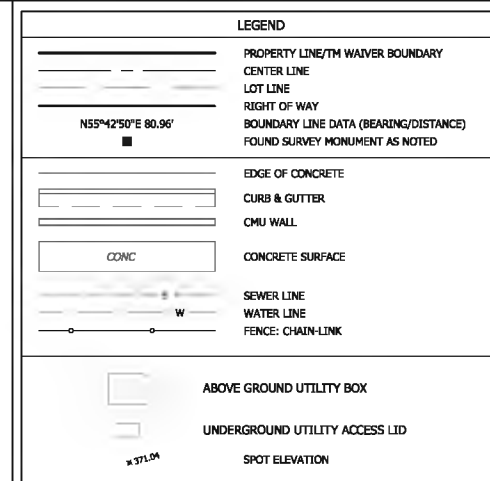
**BASIS OF ELEVATIONS**  
CITY OF SAN DIEGO BENCHMARK DESCRIPTION: SWBP  
UTAH STREET & HOWARD STREET  
ELEVATION: 380.07 FEET DATUM: MEAN SEA LEVEL (NGVD 29)

THE NORTHERLY LINE OF POLK AVENUE, AS SHOWN ON PM 21807  
I.E., N89°45'57"W

**PROJECT NAME**  
**WATER TOWER FLATS**

**TENTATIVE MAP WAIVER NO. 2418681**

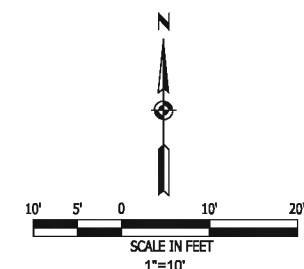
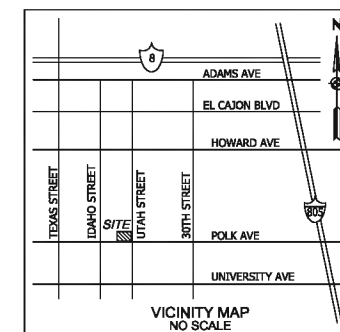
LC: 214-1729	CCS 83: 1854-6289	PROJ. NO. 662123	SHEET 1 OF 1
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ABBREVIATIONS	
APPROX	APPROXIMATE
BLDG	BUILDING
CKU	CONCRETE MASONRY UNIT
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DWAY	DRIVEWAY
EL	ELEVATION
FF	FINISHED FLOOR
FL	FLOWLINE
FTG	FOOTING
GB	GRADE BREAK
PP	UTILITY POLE
TBR	TO BE REMOVED
TC	TOP OF GRATE (DRAIN)
TG	TOP OF CURB
TYP	TYPICAL
TW	TOP OF WALL
UP	UP (STEP)
WM	WATER METER

EXISTING FRANCHISE UTILITY TABLE	
(TYPE)	(STATUS)
ELECTRIC	OVERHEAD
TELEPHONE	OVERHEAD
CABLE TELEVISION	OVERHEAD

THE SUBDIVIDER SHALL ENSURE THAT ALL ONSITE UTILITIES SERVING THE SUBDIVISION SHALL BE UNDERGROUNDED WITH THE APPROPRIATE PERMITS.



**PREPARED BY:**  
METROPOLITAN MAPPING  
3712 30TH STREET  
SAN DIEGO, CA 92104  
TEL: 619-431-5250  
FAX: 619-330-1830  
email: [metromap.sd@gmail.com](mailto:metromap.sd@gmail.com)

VERNON V. FRANCK, PLS 7927

11/20/20

DATE \_\_\_\_\_