



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: June 2, 2021 REPORT NO. HO-21-28

HEARING DATE: June 9, 2021

SUBJECT: UTAH MAP WAIVER, Process Three Decision

PROJECT NUMBER: [672390](#)

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

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 4104 Utah Street within the North Park Community Plan area?

Staff Recommendation: **Approve** Tentative Map Waiver No. 2494915 and a waiver of the requirement to underground existing off-site overhead utilities.

Community Planning Group Recommendation: On January 15, 2021 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 Limitations) 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 April 29, 2021, and the opportunity to appeal that determination ended May 13, 2021 (Attachment 6).

BACKGROUND

The Utah Map Waiver Project (Project) site is located at 4104 Utah Street (Attachments 1 & 3). The 0.114-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. The development is being constructed by right in accordance with the San Diego Municipal Code (SDMC) base Zone regulations and did not require a discretionary action. Therefore, the proposed subdivision and its design is consistent with the policies, goals, and objectives of the applicable land use plan. The Construction Permits for the multi-family units were approved by the City on August 7, 2019 as part of Project No. [628711](#). At the time of construction permit issuance, the applicant paid an in-lieu fee to comply with the City's Affordable Housing Regulations.

DISCUSSION

The project requires a Tentative Map Waiver per San Diego Municipal Code (SDMC) section [125.0120](#) to create four residential units (all under construction) into condominiums. The project is for subdivision only and no further development is proposed. The project as proposed requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to SDMC section [125.0123](#), Findings for Map Waiver, the decision maker may approve a Tentative Map Waiver if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the SDMC. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the SDMC.

The project also has requested a waiver of the requirement to underground existing overhead utility facilities. The waiver qualifies under the guidelines of SDMC section [144.0242\(c\)\(1\)\(B\)](#), Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities, 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.

Project Description:

The Project proposes the creation of four residential condominium units that are currently under construction. The development is being constructed by right in accordance with the San Diego Municipal Code (SDMC) base Zone regulations and was approved ministerially as part of Project No. [628711](#), which did not require a discretionary action. 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 front Utah Street and take access from Utah Street and Polk Avenue, with all required public utilities and services located adjacent to the site. No additional development is proposed with this map waiver request.

The project has also requested a waiver of the requirement to underground existing offsite overhead utilities pursuant to SDMC section [144.0242\(c\)\(1\)\(B\)](#). The Applicant requested the undergrounding waiver and City staff supports the undergrounding waiver 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. 2494915.

ALTERNATIVES

1. Approve Tentative Map Waiver No. 2494915 and the waiver for the requirement to underground existing off-site overhead utilities, with modifications.
2. Deny Tentative Map Waiver No. 2494915 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,



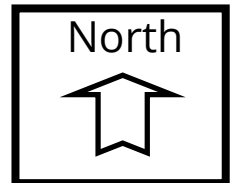
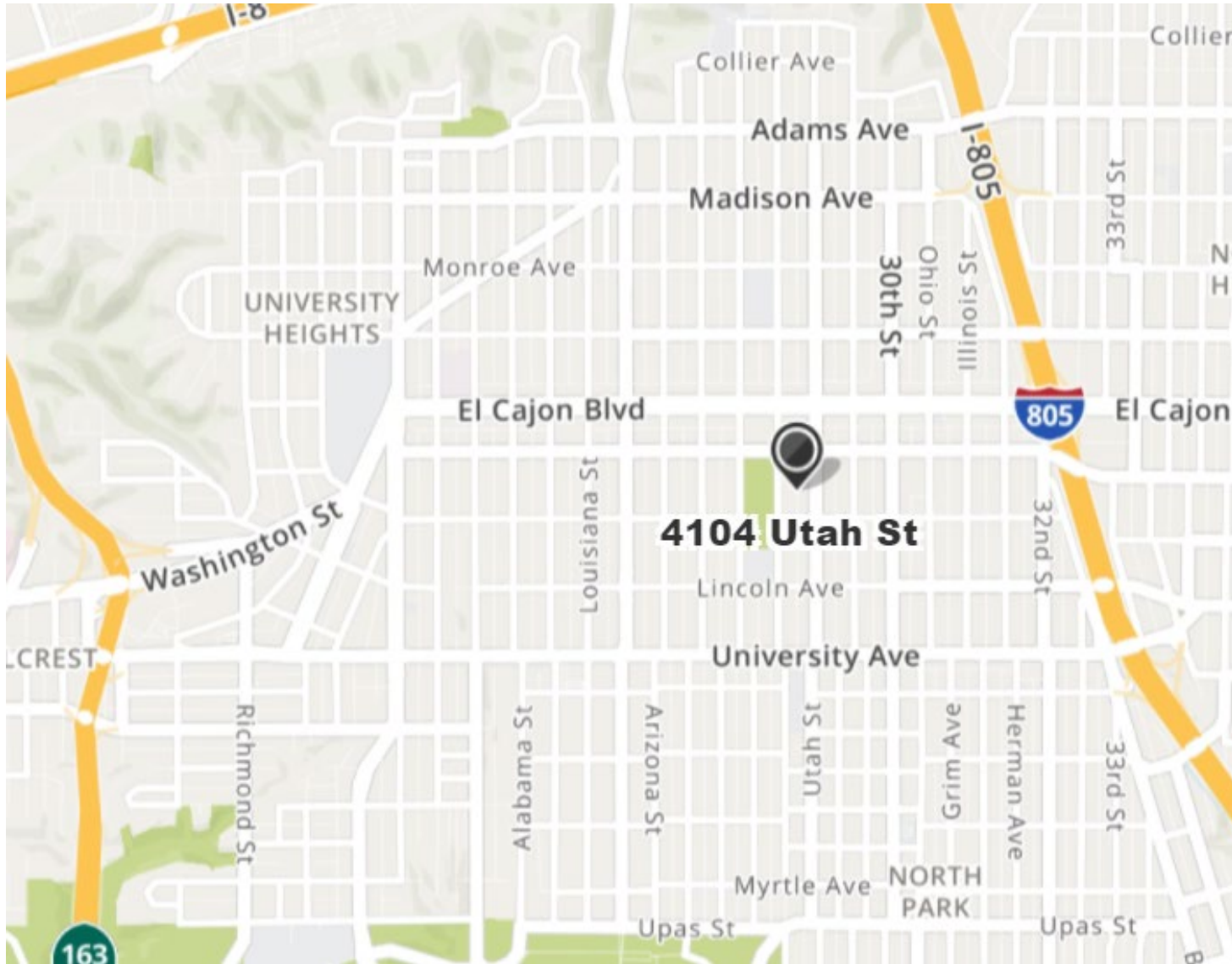
Carrie Lindsay, Development Project Manager

Attachments:

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



Project Location Map



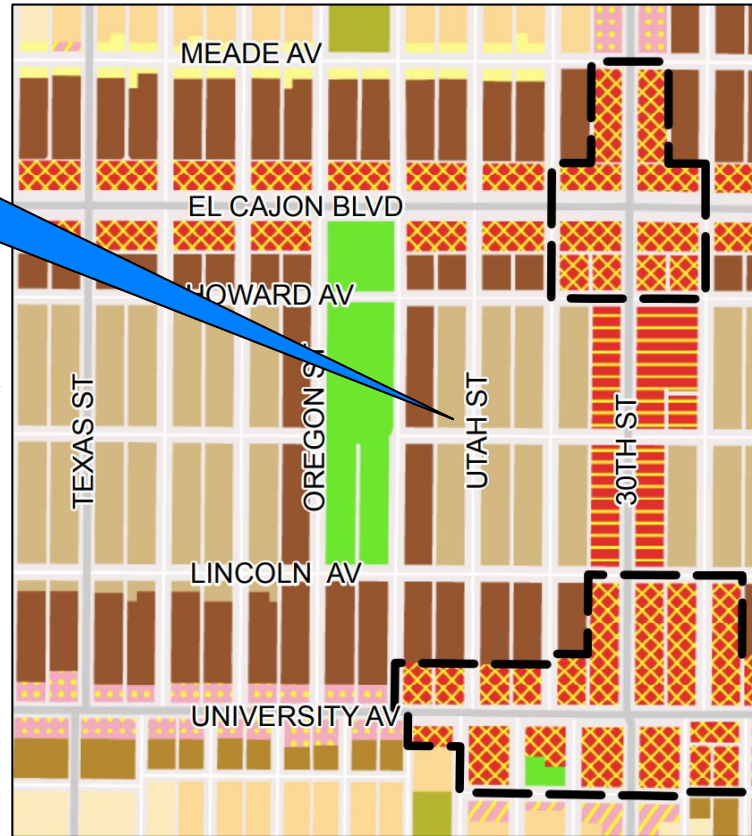
Utah Map Waiver, Project Number 672390
4104 Utah Street



Community Plan

Figure 2-1: Community Plan Land Use Map

Project Site



0 400 800 1,600 Feet
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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

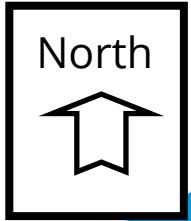
Park, Open Space, and Recreation

- 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

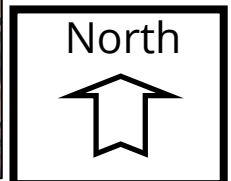
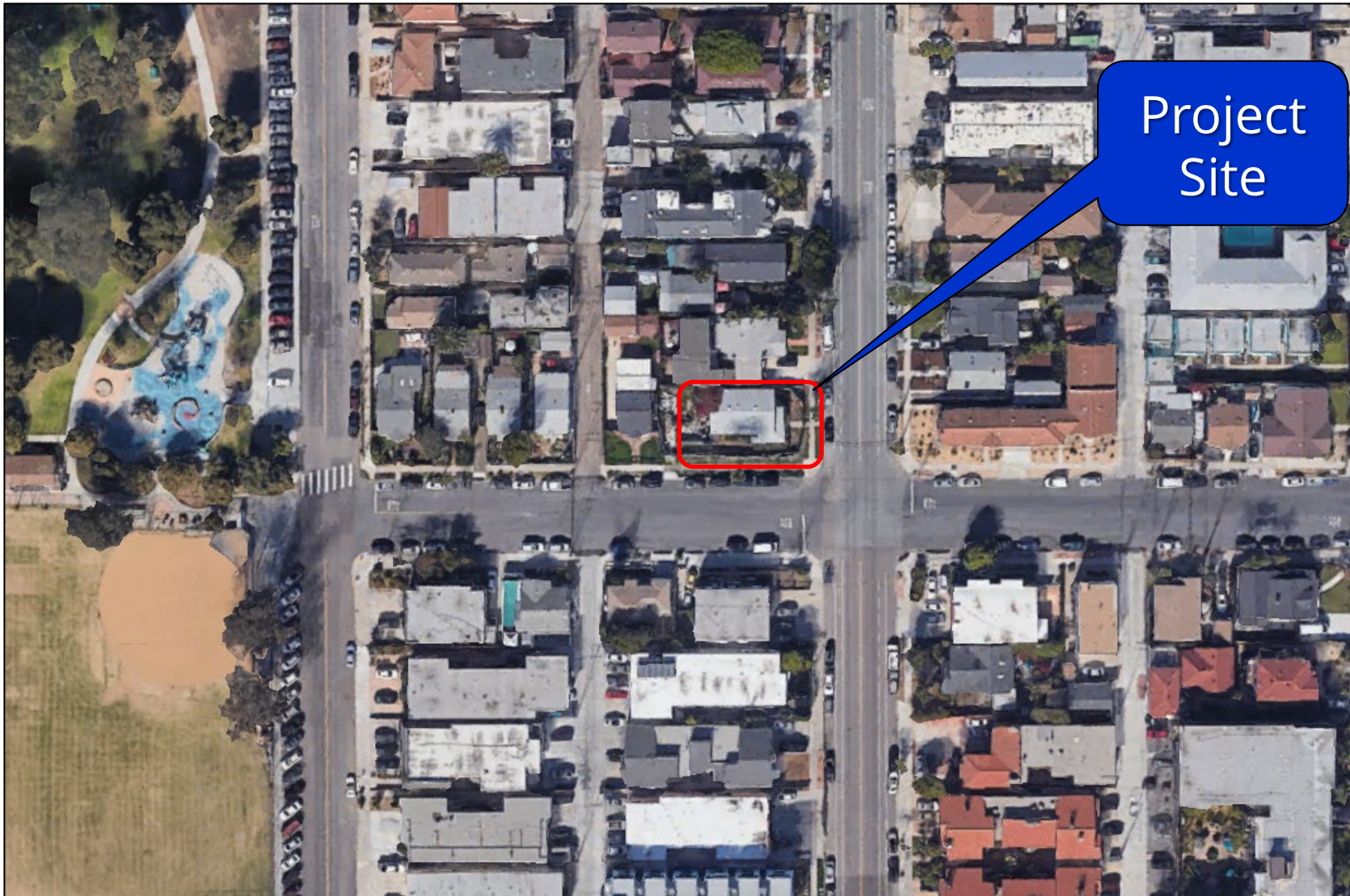


ATTACHMENT 2

Utah Map Waiver, Project Number 672390
4104 Utah Street



Aerial Photo



RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS
AND APPROVING TENTATIVE MAP WAIVER NO. 2494915 FOR THE
UTAH MAP WAIVER – PROJECT NO. 672390

WHEREAS, MOONLIGHT POINT, LLC, Subdivider, and METROPOLITAN MAPPING, Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. 2494915, to waive the requirement for a Tentative Map and Parcel Map for the creation of four residential condominium units for a project currently under construction, and to waive the requirement to underground existing utilities. The project site is located 4104 Utah Street, in the RM-3-7 Zone, within the North Park Community Plan area. The property is legally described as PARCEL 2 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 0.114-acre site into four residential condominium units; and

WHEREAS, on April 29, 2021, 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 June 9, 2021, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 2494915, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 and 144.0240 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 Tentative Map Waiver No. 2494915:

Findings for a Map Waiver – SDMC 125.0123

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

The Utah Tentative Map Waiver proposes to create four residential condominium units in buildings under construction and to waive the requirements to underground existing utilities. The 0.114-acre site is located at 4104 Utah Street 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. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

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. During ministerial review the project was determined to comply with all zoning regulations and a Building Permit for the residential units was approved on August 7, 2019 as part of Project No. 628711. The project complies with the applicable zoning and development regulations of the Land Development Code. 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) 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.

The residential condominium units were previously approved after it was determined they were 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 residential units were previously approved, are currently under construction and are located in a medium-high density residential neighborhood. The 4,994 square-foot project site is designated RM-3-7 with 7,541 square feet of floor area of residential condominium units where 8,993 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 access to a two-car garage from a common drive. 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) 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. No changes are proposed for the lot size of the site on 4104 Utah Street as previously approved under Project No. 628711. 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 development 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 Environmental Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. Therefore, 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.

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 both Utah Street and Polk Avenue, and vehicle access via a private driveway on Polk Avenue. 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 does not conflict with any existing easements, there are no dedications proposed, and no public access is required across this site fronted by Utah Street and Polk Avenue. Pedestrian access is provided via public street on both Utah Street and Polk Avenue, and vehicle access via a private driveway on Polk Avenue. 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. 2494915 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 5

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2494915
UTAH MAP WAIVER - PROJECT NO. 672390
ADOPTED BY RESOLUTION NO. _____ ON _____

GENERAL

1. This Tentative Map Waiver will expire June 24, 2024.
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 construct the required Public Improvements per approved Right-of-Way Permit No. 2266732.

MAPPING

8. A Certificate of Compliance (COC) shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver (TMW).

ATTACHMENT 5

9. Prior to the recordation of the Certificate of Compliance, all conditions in the Tentative Map Waiver (TMW) Resolution of Approval must be satisfied.
10. 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.
11. 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.
- 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: Digital-Utah Map Waiver/ 672390

SCH No.: Not Applicable

Project Location-Specific: 4104 Utah Street, San Diego, CA 92104

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

Description of nature and purpose of the Project: The project proposes a Map Waiver for the creation of four condominium units in buildings that are currently under construction on parcel 2 of Parcel Map No. 21807, on a 0.092-acre site. The project site is in RM-3-7 (Residential-Multiple Unit) Zone, within the North Park Community Plan, Parking Standards Transit Priority Area, Transit Priority Area, Transit Area Overlay Zone, Residential Tandem Parking Overlay Zone, Airport Influence Area (San Diego International Airport (SDIA)/Review Area 2), and the Federal Aviation Administration (FAA) Part 77 Notification area (SDIA). The community plan designates the site as Residential-Medium High (30-44 dwelling units per acre).

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Maggie Roland, MRoland Management Services (Firm), 3752 Park Boulevard, Suite 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: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15305 (Minor Alterations in Land Use Limitations)

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15305 that consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. The exceptions described in CEQA Guidelines Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

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

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



Senior Planner

May 14, 2021

Signature/Title

Date

Check One:

- Signed By Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:



NORTH PARK PLANNING COMMITTEE (NPPC)
Meeting Minutes - Final
January 15, 2021; 6:30 pm
Virtual Meeting Via Zoom Platform

Register online at:

<https://tinyurl.com/NPPCzoom>

Or Dial +1 669 900 9128 or +1 346 248 7799

or +1 253 215 8782 or +1 301 715 8592

or +1 312 626 6799 or +1 646 558 8656

Meeting ID: 987 0091 5525

Password ID: 150923

www.northparkplanning.org

info@northparkplanning.org

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https://www.facebook.com/NorthParkPlanning/app_100265896690345

I. **Parliamentary Items**

(6:32 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	Vacant seat	Vacant seat
Attendance	X	X	X	X	X	X	X	X	-	X	X	X	-	X	X
Late					X									X	X
Absences	2	1	1	0	X	0	0	1	2	2	1	0	3	X	X

2. **Modifications to the NPPC Agenda**

a. **Urgent Non-Agenda Action Items:** None

b. **Consent Agenda**

Urban Design/Project Review. Present: Melissa Stayner, Aria Pounaki, Jen Spencer, Tim Taylor, Peter Hill (voting community member), Pat Sexton (voting community member)

NORTH PARK (Process 3) Map Waiver for 4104 Utah Street

For the creation of four condominium units in buildings under construction on parcel 2 of Parcel Map No. 21807, located at 4104 Utah Street. The 0.092-acre site is in RM-

3-7 Zone, within the North Park Community Plan area. Council District 3. Presenter: Maggie Roland

SUBCOMMITTEE MOTION: To approve the map waiver for 4104 Utah Street, because increasing access to opportunities for 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. Spencer/Stayner (6-0-0)

No item was pulled from the consent agenda.

Public Comment:

- Kate Callen: NP should vote this down since the city staff refuses to listen to what you are saying in these motions – they do not seem to want to work with you to come up with a solution.
Aria Pounaki: Behind the scenes I’ve been speaking to Council Member Stephen Whitburn, the Mayor’s office and the planning department to work on this and there has been some movement.

MOTION: To adopt the consent agenda. McAlear (9-0-1) Daniel Gebreselassie abstained, because he did not attend the subcommittee meeting.

3. **Agenda:** Adoption of the January 15, 2021 Agenda, *if necessary*.
4. **Minutes:** Approval of the November 17, 2020 Minutes.

MOTION: To approve the November 17, 2020 meeting minutes. Doster/Tucker (8-0-2) Gebreselassie and Stucky abstained because they did not attend meeting.

5. **Treasurer’s Report:** Sarah McAlear.
 - a. Account balance of around \$707.00 – reimbursements from city should bring the account total up to about \$1,100.00.
 - b. Sarah proposes NPPC gets it’s own Gmail account. Cost is: \$6/month. Chair and co-chair would have access to it. Document storage would be a big plus. Free account does not allow mail forwarding and backup. The paid account would be more protective and is considered a reimbursable expense.

MOTION: To approve the NPPC purchase a professional Gmail account. Pounaki/ Taylor (10-0-0)

III. **Non-Agenda Public Comment:** Limited to Items not on the Agenda and non-debatable. Two-minute maximum, Chair can award more time. (6:49 p.m.)

- **Steven Oechel:** Wanted to get an update on the election. Aria: We will discuss this at the elected official’s section on the agenda.
- **Pat Sexton:** I had a pleasant conversation w/ our community planner, Bernie. I was wondering why we don’t see all the new construction projects, like other planning groups. Our community plan was updated and because of that we don’t see these projects, while other CPG have not updated their plans and therefore don’t have codes that allow for certain types of projects.

- **Renay Johnson:** Why is there another map waiver is on the agenda? Why do these keep coming here if there is nothing we can do about them? Aria: Thank you. The NPPC has tried the approach of not hearing them in the past and it didn't change anything. I'm working w/ the planning dept., the Mayor's office, and our councilmember on this issue behind the scenes. Sarah McAlear: I will work on posting a document that explains this unique situation and post on website.

IV. **Announcements & Event Notices:** Limited to One minute each. (6:50- 6:55 p.m.)

1. **North Park Farmer's Market:** Thursdays weekly 3-7:30PM on North Park Way & 30th Street, for more info: <https://www.northparkfarmersmarket.com/>
2. **Pipe Replacement & Water Shut Off Notice** (see info below)

REASON FOR SHUTDOWN/OUTAGE	AREA AFFECTED	START TIME AND DATE	COMPLETION TIME AND DATE
Water System Upgrades Otay 1 st & Otay 2 nd pipeline replacement 1-16" cut & plugs 3-8" cut & plugs 1-6" cut & plug	<ul style="list-style-type: none"> • 3300-3400 Blk Grim Ave. • 3300-3400 Blk 31st St. • 3000-3100 Blk Upas St. 	Thursday 01/21/2021 8:00 PM	Friday 01/22/2021 6:00 AM

REASON FOR SHUTDOWN/OUTAGE	AREA AFFECTED	START TIME AND DATE	COMPLETION TIME AND DATE
Water System Upgrades 30 th St Pipeline Replacement Project 1-8" reconnection 2-12" reconnections	<ul style="list-style-type: none"> • 3600-3800 Blk Ray st. • 3017 & 3021 University Av. • 3050 North Park Way • 2926 Upas St. 	Monday 01/25/2021 8:00 PM	Tuesday 01/26/2021 6:00 AM

V. **Elected Official & Planner Reports:** Reports are limited to 2 Min Max (6:55- 7:05 p.m.)

1. **Makana Rowan, Hon. Nathan Fletcher, SD Board of Supervisors Dist. 3,** (619) 531-4936, makana.rowan@sdcounty.ca.gov . NONE
2. **Kohta Kaiser, Hon. Todd Gloria, Mayor of San Diego,** 619-645-3090, ZaiserK@sandiego.gov . Kohta is a North Park resident, representative from the Mayor's office. Mayor gave inaugural address last week. On Dec. 31st passed an executive order on stricter enforcement of Covid-19 guidelines. Working on gathering more public opinion on the SDG&E Franchise agreement. Their existing franchise agreement was extended by 5 months.
3. **Diana Lara, Hon. Toni Atkins, State Senate Dist. 39,** 619-645-3133, Diana.Lara@sen.ca.gov. NONE
4. **Ryan Darsey, Hon. Stephen Whitburn, City Council Dist. 3,** (619) 236-6633 RDarsey@sandiego.gov. Thank you. Director of community engagement and community representative for NP. Working on creating a community group for the franchise agreement. Will follow up once it's set up so people can become involved. Also submitted budget priorities to mayor's office. Please keep using the 'Get it Done App' –we know there have been issues w/ recycling and trash pickup, please keep reporting it through the app. Delays have been due to closures and the Covid-19 outbreak.
5. **Bernie Turgeon, Planning Department,** 619-533-6575, BTurgeon@sandiego.gov.

The Chair reported the following: Election Planning Dept. put together a draft for framework of election. Allowed to notice and promote election online. Online voting will be allowed. They will also allow paper voting and mail in ballots. CPG Chair will have transition of power in April, not March.

Arash: Information item at next meeting? Aria: yes, we will have an information item on this in February. Will post in meeting minutes as well.

Matt: This should be an action item.

Sarah: Agree, we need to make sure rules are followed and documentation needs to be clear and we are all on the same page. **Aria:** We'll make it an action item at the February meeting.

Tim Taylor: How is attendance tracked? **Aria:** For our group, we have a zoom record of who attended meetings. The zoom is the "sign in" sheet. Should use your name, not phone number when logging in. Sarah has tracked down phone numbers with due diligence when needed.

VI. **Action Item:**

(7:05- 8:30 p.m.)

1. **Sewer-Storm Drain Group Job 828 – Switzer Canyon**

Friends of Switzer Canyon will lead the community in their review of the current Switzer Canyon Storm Drain determination with the goal of gathering NPPC's official input to the PUBLIC NOTICE OF DRAFT MITIGATED NEGATIVE DECLARATION notice (WBS# B-00434.02.06) for [Sewer-Storm Drain Group Job 828](#). Presenter: Carrie Schneider, carrieschneider2000@icloud.com

Carrie Schneider: Project involves replacement of a sewer line in Switzer Canyon and installation of upsized stormwater infrastructure. City will use trenchless excavation to install. But will still need to access all the manholes. It will be a major project that will involve large vehicle access to the canyon. Some major points were:

1. Storm drain impact and aesthetics: type of storm drains they want to install **DO** have an aesthetic impact – prone to graffiti and possibly standing water. Would like them to consider a SDG-104 system as an alternative, more natural looking w/ rip rap.
2. Improve canyon stream bed – increased development in the surrounding neighborhood has caused more impervious area, more storm runoff, and climate change has created more intense storms. All of this has caused a lot of damage – lots of erosion which has created dangerous situations. Need to install rip rap/retaining walls. Would like onsite mitigation. Needs help to stabilize it eroded slopes in the canyon.
3. Impact to biological resources. Worried that vehicle use, and construction activity will impact the habitat.

Aria: What would you like us to do moving forward? Sign on to the Friends of Switzer Canyon letter or form our own letter?

Arash: We heard this topic at the sub-committee. City told us they cannot use rip rap, but still unclear why? **Public comment for the MND ends on Jan. 21st** and an EIR is not required – that's what they are saying – because they argue the impact will be mitigated. According to them, the only impact will be to local vegetation and they can mitigate that offsite in Otay Mesa and pay a fee. Native Americans were consulted, were given a period of only ONE MONTH to provide feedback, because they did provide any comments during that short window of time the city said there was no archeological impact.

Public Comment:

Libby Brydolf: Support Carrie and the Friends comments. An additional concern: Appendix F – revegetation plan is NOT included in the report and they should provide this. Also, a concern about the lack of integration with climate action plan – we should increase tree canopy, increase carbon mitigation and slow runoff. Also, why is the Park and Rec staff not involved?

Mark Spitzer: 10 years ago, city wanted to put utility roads in this canyon and we were able to prevent the roads from being built. Support Carrie and her incredible knowledge.

Carrie Schneider: The City claimed they could not do any onsite mitigation due to scope of work limits. There is no integration of city departments to work with each other. Our major concern is that our thoughtful comments will be recorded, but nothing will be done. Would like them to create a more integrated, thoughtful process.

Arash: We offered to host a community workshop to discuss this issue to explore alternative solutions, but the City did not accept this invitation. We should join forces with the Friends of Switzer Canyon who have a shared objective.

Susan Baldwin: Has anyone connected w/ canyonlands group? Carrie Schneider: Yes, I've discussed it w/ Clayton. It is on his radar.

Board Comment:

Steve Billings: Agree, the City seems to keep ignoring development in and around the canyons.

Steve Doster: I've been hearing this issue in sub-committee meetings – the thing that bothers me is the offsite mitigation, it is not acceptable – the money sits in the fund. City said there is no place for mitigation in the canyon, but I think we need to push back.

Daniel: We should give our support the Friends group – we need to have our city representatives get involved to really be heard. I Would like to see beautification in the area and mitigation here in the neighborhood.

Sarah: I agree the city's plan of off-site mitigation is not acceptable.

Jen: Agree that off-site mitigation is not acceptable. My kids have grown up exploring these gems of nature in our otherwise urban neighborhood – we need to support these ecosystems and demand better from city staff. Would like to see more integration with other departments, and elements of the climate action plan should be integrated into the design – i.e. Creating more tree canopy. Aesthetics should be considered when choosing stormwater treatment – rip rap is preferred.

Matt: Are you looking for a solution like what is happening in Maple Canyon? The city seems to think it's easier and cheaper to mitigate this offsite, so that's what is being pursued BUT is that the right solution for our community? It's cheaper to do offsite and put in these big ugly dissipaters vs. coming up with a more aesthetic option.

Tim: Onsite mitigation was too small? Not sure why?

Arash: City came back with each suggested mitigation area within the canyon with a reason it could not be used – i.e. the area w/ too close to urban area, too small, a paper street or easement was in place or was not in the scope of work for the project.

Tim: I think what the Friends is asking for is very reasonable and we should support them.

Marissa: If the city is going to take this seriously, we need more support. I think the letter is very thought out and we should support it. Please get involved.

Arash: We would like to see concepts from the climate action plan to be integrated into the design solution. More aesthetic choices for stormwater devices.

MOTION: To recommend the rejection of Project 652296 and to sign on to the letter presented by Friends of Switzer Canyon with the modification to clearly state the need for onsite mitigation and submit a public comment on the MND for the project. Pounaki/ McAlear (10-0-0)

NOTE: A copy of this letter and NPPC's public comment has been attached to the meeting minutes in Appendix A.

2. Complete Communities: Parks Master Plan and Recreation Element

The Parks and Recreation Coalition (PARC) is presenting their recommendations on the Parks component of Complete Communities (Parks Master Plan, General Plan Recreation Element, and

Citywide Park Development Impact Fee). Presenter: Susan Baldwin, (619)867-5028
susanbaldwin@aol.com

Susan Baldwin: Evaluating the Play Everywhere component of the Complete communities plan. Good Point: promotes a park system that is relevant, accessible, and really addresses long standing inequities in the existing park system. However, the artificial deadline did not provide enough time to address significant issues in the plan. There are 5:

1. Limited vision – density of the city is increasing; this doesn't address that added density. Acreage goals should remain. Increase min. % funding for acquisition. Need more parkland acreage, not just more amenities.
2. Limited resident participation – little outreach was done, public support is critical.
3. Funding: how will fee meet equity goals? Funding is needed – research funding sources that are not currently used. Framework not established.
4. Untested: Point system is complicated, hard to understand, not used elsewhere.
5. Equity. Need to understand how money is raised and how it is spent. Min. fee should be required for all development, even if they provide their own private parks.

Other Issues:

- Commercialization of Public Parks – need to protect parks from this, not add to it. We have meet with 6 council members, trying to get to all the Community Planning Groups, as well as CPC.
- Trying to ensure these documents do not go back to City Council for a vote until these elements have been addressed and more time has been taken to study the elements.

Public Comment:

Pat Sexton: Great presentation, agree with you. Enjoyed your presentation.

Christine Hernandez: Great presentation. President of UHCA, supports your decisions and would like to lend whatever support needed.

Board Comment:

Steve Doster: Susan, on annual report, what is the goal of this? Susan: Equity goals would be important to include in follow up reports – funding, and accounting for what it is spent on.

Howard Greenstein: The Point system they are proposing has never been tried, it's a new system. They have already been mentioned that it would need to be "tweaked" – need to make sure this "tweaking" is transparent, should be included in an annual report.

Daniel: Great presentation. Hopefully, the City will get the message – supportive of your presentation and the ideas presented.

Arash: Thank you – great presentation. We asked the city for much of this info and did not hear a response from them. Three Questions: 1) park acquisition – what would the % be calculated and how would it impact maintenance, etc.? 2) Min. dev. Impact fee – what would min be? 3) Point system impact for North Park?

Susan: Dev. Impact fee min. – we are not defining what it would be specifically – was added bc if acreage standard was removed, right now city park fees are community base and can only be spent in that community area. Would advocate for a city-wide park fee that would be spent throughout the city – lessen inequities in certain areas. Howard: Dev. Impact fees can only be

used for new development, and acquisition not on maintenance. Need to look at alternative funding sources for this. Want to avoid stuffing more amenities into existing parks vs. developing more parks.

Sarah: Important point about passive parks and the need for these areas.

Jen: Thank you for doing all this hard work and digesting this component – it's very complicated. Tim and I presented this at our meeting and found it the overall goal of reducing inequities in the existing park system to be great, but the framework of how to do this seemed to have a lot of issues – all of which were perfectly represented in your presentation. The point system is very confusing. I agree we should take more time and get more community input on a plan that could last another 50 years or more.

Matt: Thank you for this presentation. Portions of Balboa Park have been addressed – Mesa is separated from neighborhood areas – Bird Park, Grape St. Dog Park, - these areas would get credit for neighborhood park, not the Mesa area – but even with these we still don't meet the current neighborhood acreage standard. Can we get a copy of this PowerPoint? Susan: We can provide you a copy of the power point.

Tim: We did an analysis that pointed out a lot of these same issues. Seems like City thought: We'll never be able to meet acreage, so we will came up with the point system – but this doesn't fare well for North Park. Community survey was supposed to take the place of community outreach, but the survey questions were skewed. Commercialization was also a concern as you mentioned. Little Italy example.

Marissa: Point system is complicated, but acreage system is also antiquated system. Where do we get land when it's all developed? Frequency of smaller parks will be important. Susan: Acreage doesn't mean large parks, it means that we have a goal - a benchmark. If we are redeveloping for housing, we need to include parkland in that redevelopment plan.

Arash: I'll reiterate one concern of Matt – there is a lot of nuance her that is hard to digest. I am concerned that the equity issues will not be addressed with this current plan. We support investigating the Parc goals more in depth. Howard: we are not asking for specific changes to the city plan just that they slow down the process, work with community groups – we don't have specific revisions. Please slow it down, work with us and other community groups.

Jen: is this planning on going back to city council w/ no changes after it was not passed on Nov. 9th? Susan: unclear, we heard rumors, but not anything concrete. Speaking with the Mayor other council members to raise our concerns before anything does.

MOTION: Direct city staff to work with community planning groups, recreational advisory groups, the PARC group, and other community stakeholders for inputs to improve the existing Parks component of the Complete Communities plan. Kahvazadeh /Stucky (10-0-0).

MOTION: to adjourn. Pounaki / Kahvazadeh (10-0-0) (9:19 p.m.)

VII. NPPC Reports

1. **Chair's Report**
2. **Social Media.** Sarah McAlear
3. **NPPC Website Update.** Sarah McAlear
4. **Subcommittee Reports:** (Limited to Items Not on the Agenda & 5 Min. Max. each)
 - a. **Urban Design/Project Review (UDPR):** Melissa Stayner Chair, Jennifer Spencer Vice Chair –Next meeting February 1, via Zoom.
 - b. **Public Facilities & Transportation (PF&T):** Steve Doster Chair, Arash Kahvazadeh Vice Chair – Please note meetings have been moved from 2nd Wednesday to 2nd Tuesday moving forward. Will resume February 9, via Zoom. (did not meet in January)
5. **Liaisons Reports:** Limited to 1 Min. Max per Report

a. Balboa Park Committee. Vicki Granowitz.

- January 2021 BPC meeting has been moved to January 20, 2021.
- Pipeline Project will start the last week of Dec 2020.
- Bud Kearns Pools construction is back on schedule, estimated completion date is July 2021.
- There are 1600 outreach responses to survey on the future of the park.
- Palisades Project is completed and open.
- Committee of 100 - Automobile Museum restoration will start soon followed by painting the Municipal Gym.
- Committee of 100 wants to merge with the Balboa Park Conservancy and Friends of Balboa Park.
- Friends of Balboa Park - completing a study of parking & circulation; donating fire suppression system that rangers requested.
- The Prado's Sky-wheel was approved, Granowitz was the only no vote. This is an advisory vote only, there will be a number of issues still to be resolved.
- Conservancy Botanical Building Naming rights program was approved.

b. Maintenance Assessment District. Matt Stucky.

c. North Park Main Street. Steve Billings.

d. Adams Avenue Business Association. Arash Kazavahdeh.

e. El Cajon Boulevard Business Improvement Assoc. Arash Kazavahdeh

f. North Park Community Association. Peter Hill.

g. University Heights Community Association. TBD.

h. CPC. Matt Stuckey

VIII. **Future NPPC Meeting Dates & Agenda Items:** Next meeting is Tuesday, February 16, 2021IX. **Adjournment**

-
- **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: Aria Pounaki info@northparkplanning.org
 - Urban Design/ Project Review Subcommittee Chair: Melissa Stayner urbandesign@northparkplanning.org
 - Public Facilities & Transportation Subcommittee Chair: Arash Kazavahdeh or publicfacilities@northparkplanning.org
 - Adams Avenue Business Association: www.adamsAvebusiness.com/
 - North Park Main Street: northparkmainSt.com/
 - "The Boulevard" El Cajon Boulevard Business Improvement Association: 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
 - University Heights Community Association (UHCA): www.uhsd.org

Appendix A: Friends of Switzer Canyon Letter with NPPC signature, NPPC Public Comment on MDN (WBS# B-00434.02.06)

To: DSDEAS@saniego.gov

Subject: Sewer-Storm Drain Group Job 828, Project No. 652296

Below are comments on the Mitigated Negative Declaration (MND) for Sewer-Storm Drain Group Job 828, Project No. 652296.

1) Storm Drain Impact on Aesthetics

- a) Page 10 of the MND describes 8-10 feet of rip-rap style dissipaters, whereas the MND on Page 28 states that SDO-105 concrete dissipater will be used. Please clarify the structure of the dissipater that will be specified: SDO-104, SDO-105 (as described in the San Diego Standard Drawings for Public Works Construction 2016), or some other.
- b) We are not in favor of the SDO-105 in an open space park, since the chain-link fence and large amount of concrete are visually intrusive. The large amount of concrete will attract graffiti, as shown in the attached photo (taken near the Grape Street Dog Park). This is an unmitigated impact to Aesthetics. We request that the department investigate alternatives that reduces this impact, such as using the rip-rap style of dissipater.
- c) In addition, we have witnessed standing water in an SDO-105 style dissipator in Richmond St. canyon just east of 163. This is a public health liability, given the presence and increasing frequency of mosquito-borne disease in San Diego.



2) Storm Water Increase and Stream Bed Improvement

- a) We have identified an opportunity for on-site mitigation based on the impact to Biological Resources. This opportunity will increase the amount of land in Switzer Canyon with the ability to support perennial vegetation.
- b) The stream bed in Switzer is highly incised in many places because of high stormwater flow from surrounding impervious development. This plan will increase the capacity of storm water drains

Appendix A (continued): Friends of Switzer Canyon Letter with NPPC signature, NPPC Public Comment on MDN (WBS# B-00434.02.06)

into the stream bed and will further increase this impact but doesn't appear to take into consideration the effect on soil on the stream banks.

- c) We request an update to the MND to include managing this increased storm water flow to preserve the stream bed and access paths.
- d) For example, there is an opportunity to install check dams (also known as rock-drop structures) on the project site and in other places in the canyon that will keep the soil from being washed downstream. This will preserve the utility access paths.
- e) In addition, this will raise the water table and allow more extensive riparian forest. This more extensive forest can be considered a positive for the City's Climate Action Plan.
 - i) For example, below are before and after images of successful stream bed restoration in Diabold by the Campo Kumeyaay Nation (as communicated by Michael Connolly, Resource Ecologist).



- ii) For example, a project to install drop structures to rehabilitate the incised creek channel has been approved for Maple Canyon (Project 157439).
- f) We request that the MND include a project of this nature to provide on-site mitigation.

Appendix A (continued): Friends of Switzer Canyon Letter with NPPC signature, NPPC Public Comment on MDN (WBS# B-00434.02.06)

3) **Impact to Biological Resources**

- a) The MND states that vehicles will predominantly use the current utility access path and therefore there is no impact, and also that vegetation (including Palmer’s sagewort and wart-stemmed Ceanothus) on the path will be killed (page 18). These are confusing and contradictory statements. Please indicate on a map where the impacts will take place and whether there will be any widening of the current utility access path.
- b) The current access paths for utility maintenance are designed for “low-impact canyon-proficient vehicles” (Council Policy 400-13) and are no more than about 8 feet wide. Since this project appears to require access by large utility vehicles to each manhole in order to complete the trenchless excavation required for the new sewer, it’s likely that vegetation along the sides of this path (and around the manholes) will be damaged and be made much wider. Please update the MND to calculate the mitigation required for damage to the habitat from *widening* the access path.
- c) The Biological Resources Report table of contents refers to a Draft Revegetation Plan in Appendix F, which is not attached. Please include this Appendix in the public materials.

Thank you for consideration of these comments.



Aria Pounaki
North Park Planning Committee, Chair
(Signing on behalf of the North Park Planning Committee)



Date




1/21/21

Carrie Schneider for Friends of Switzer Canyon:

Robert Matlock
Chris Drayer
Barbara Morton
Mary Severine
Christian Deck
John Gavares
Pete di Girolamo
Susan Seiguer

Libby Brydolf
Betty Ball
Cara D’Angelo
Sheila Kirschenbaum
Wendy Hardy
Rick Hardy
Jen Sabo Spencer
Martha Wild

Appendix A (continued): Friends of Switzer Canyon Letter with NPPC signature, NPPC Public Comment on MDN (WBS# B-00434.02.06)

Sewer-Storm Drain Group Job 828, Project No. 652296 



Aria Ryan <aria.pounaki@gmail.com>
to DSDEAS ▾

Thu, Jan 21, 4:14 PM ☆ ↶ ⋮

Hello,


Below I have tried to capture the sentiment of the community and board as disseminated to the North Park Planning Committee (NPPC) on the Mitigated Negative Declaration (MND) for Sewer-Storm Drain Group Job 828, Project No. 652296:

1. The community feels that the use of concrete dissipators in lieu of rip-rap is an unacceptable aesthetic impact of the project. Alternatives to the concrete dissipator options were not exhaustively investigated and the community would like further study on this.
2. It is clear from community input that off-site vegetation mitigation is an unacceptable mitigation effort and would strongly prefer on-site mitigation to the greatest extent possible.
3. There is a fear that there is an understated risk to existing habitat and vegetation from construction equipment. It is important to accurately reflect and prepare for these risks to minimize impact to the natural environment in **Switzer Canyon**.
4. This project should coincide with mandates in the city's Climate Action Plan to enhance riparian habitat where possible. A more comprehensive review of this project could yield strategies that could complement the storm drain replacement and would also help raise the water table.

On behalf of the NPPC we thank you for your consideration of these comments. A more comprehensive analysis by Friends of **Switzer Canyon** also has our signature and support and we urge you to investigate these concerns fully.

Sincerely,

Aria Pounaki
Chair
NPPC

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="text-align: center;">Ownership Disclosure Statement</h1>	FORM <h1 style="text-align: center;">DS-318</h1>
			October 2017

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: Utah Map Waiver **Project No. For City Use Only:** 0672390

Project Address: 4104 Utah Street

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

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

TENTATIVE MAP WAIVER NO. 2494915
PROJECT NO. 672390
WATER TOWER FLATS II

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

EXISTING SITE DATA
SITE ADDRESS: 4104 UTAH STREET, SAN DIEGO, CA 92104
ASSESSOR'S PARCEL NUMBER: 446-301-19
SITE AREA: 4,994.5 SF / 0.114 ACRES

EXISTING ZONING
BASE ZONE: RM-3-7

OVERLAY ZONES
AIRPORT INFLUENCE AREAS (REVIEW AREA 2)
FAA PART 77 NOTICING AREA (SDIA - LINDBERGH FIELD)
MOBILITY ZONE (ZONE 2)
PARKING STANDARDS TRANSIT PRIORITY AREA
TRANSIT AREA OVERLAY ZONE
TRANSIT PRIORITY AREA

GEOLOGIC HAZARD CATEGORY: 52

BUILDING SETBACKS
FRONT: 10'/20'
SIDE: 5'
STREET SIDE: 5'/10'
REAR: 5'

NOTE
ALL BUILDINGS, PRIVATE IMPROVEMENTS AND PUBLIC IMPROVEMENTS DEPICTED HEREON ARE EXISTING. NOTHING IS PROPOSED.

BUILDING DATA
NUMBER OF RESIDENTIAL CONDOMINIUM UNITS: 4 (3-3 BEDROOM, 1-4 BEDROOM)
TOTAL FLOOR AREA OF RESIDENTIAL CONDOMINIUM UNITS: 7,541 SF
NUMBER OF STORIES: 3
NUMBER OF BUILDINGS: 2

OFF-STREET PARKING SPACE REQUIREMENTS
PARKING REQUIRED: 4 UNITS @ 2.0 SPACES PER UNIT=8 SPACES PROVIDED

CURRENT PERMITS
BUILDINGS CURRENTLY UNDER CONSTRUCTION
CONSTRUCTION PROJECT NO. 628711
CONSTRUCTION APPROVAL NO. 2250724
ROW CONSTRUCTION PLAN PERMIT NO. 2266732

DEVELOPMENT NOTES
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.

MONUMENTATION NOTES
ALL PROPERTY CORNER MONUMENTS ARE IN PLACE, SET PER PM 21807

REFERENCE DRAWINGS
PM 21807

- NOTES**
1. THE MAINTENANCE OF THE PRIVATE WATER AND SEWER FACILITIES SERVING THIS PROJECT SHALL BE GOVERNED BY PRIVATE COVENANTS, CONDITIONS, AND RESTRICTIONS.
 2. THE SUBDIVIDER SHALL INSTALL APPROPRIATE PRIVATE BACK FLOW PREVENTION DEVICES ON ALL EXISTING AND PROPOSED WATER SERVICES (DOMESTIC, IRRIGATION, AND FIRE) ADJACENT TO THE PROJECT SITE IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR.
 3. EXISTING DRAINAGE PATTERNS: SURFACE FLOW TO POLK STREET AND ALLEY
 4. THE SUBDIVIDER SHALL RECORD A DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS FOR SHARED VEHICULAR ACCESS. THE DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS SHALL STATE: SINCE THE MUTUAL ACCESS EASEMENT AGREEMENT IS A PRIVATE AND NOT A PUBLIC ISSUE, THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY DISPUTE THAT MIGHT ARISE IN THE FUTURE BETWEEN THE PRIVATE PARTIES.

LEGAL DESCRIPTION
PARCEL 2 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

EASEMENTS
THERE ARE NO EXISTING OR PROPOSED EASEMENTS

SOURCE OF TOPOGRAPHY
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)

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

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

BY: _____ DATE _____

PROJECT NAME
WATER TOWER FLATS II

SHEET TITLE
TENTATIVE MAP WAIVER NO. 2494915

LC: 214-1729 CCS 83: 1854-6289 PROJ. NO. 672390 SHEET 1 OF 1

LEGEND

---	PROPERTY LINE
---	CENTER LINE
---	LOT LINE
---	RIGHT OF WAY
N55°42'50"E 80.96'	BOUNDARY LINE DATA (BEARING/DISTANCE)
■	EXISTING BOUNDARY MONUMENT

EXISTING IMPROVEMENTS

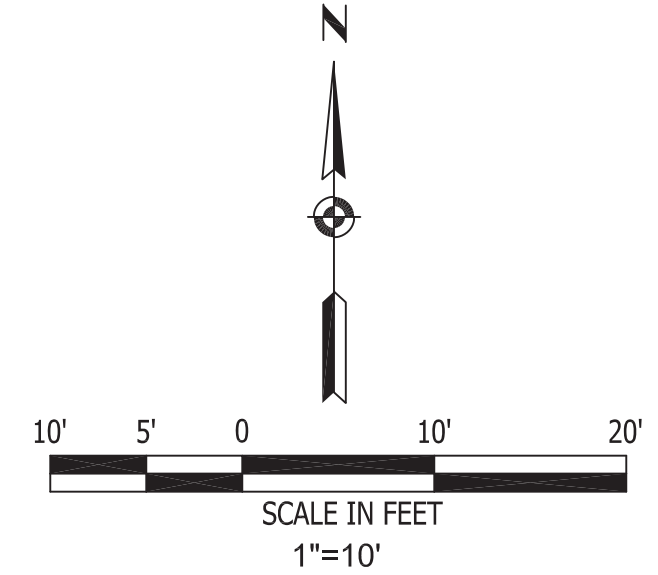
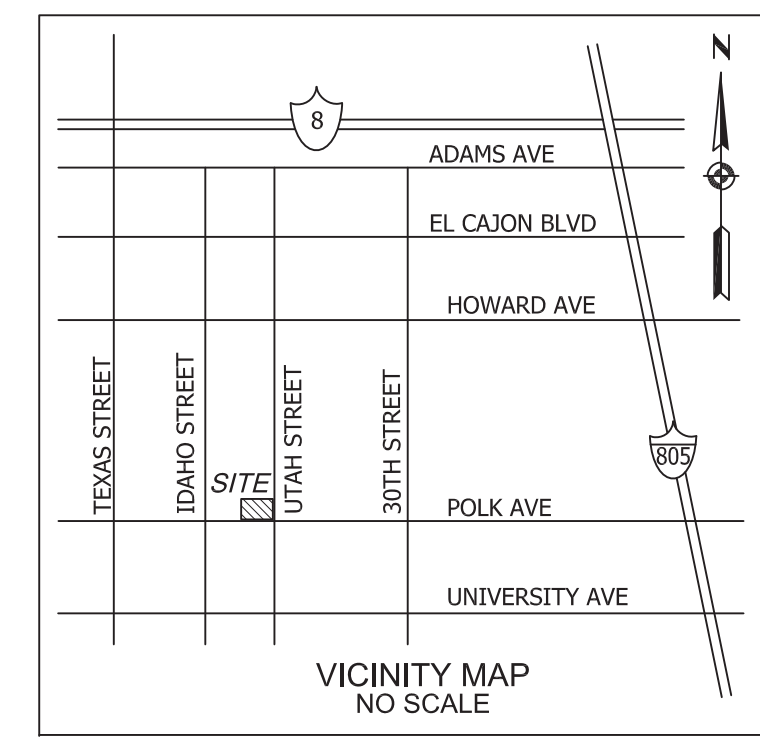
---	EDGE OF CONCRETE
---	CURB & GUTTER
CONC	CONCRETE SURFACE
---	SEWER LINE
---	WATER LINE
---	OVERHEAD ELECTRIC
---	OVERHEAD TELECOMM
WM	WATER METER (PROPOSED)
371.04	SPOT ELEVATION

ABBREVIATIONS

APPROX	APPROXIMATE
BLDG	BUILDING
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DWAY	DRIVEWAY
EL	ELEVATION
EX	EXISTING
FL	FLOWLINE
FTG	FOOTING
GB	GRADE BREAK
UR	UTILITY POLE
TBR	TO BE REMOVED
TG	TOP OF GRATE (DRAIN)
TC	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

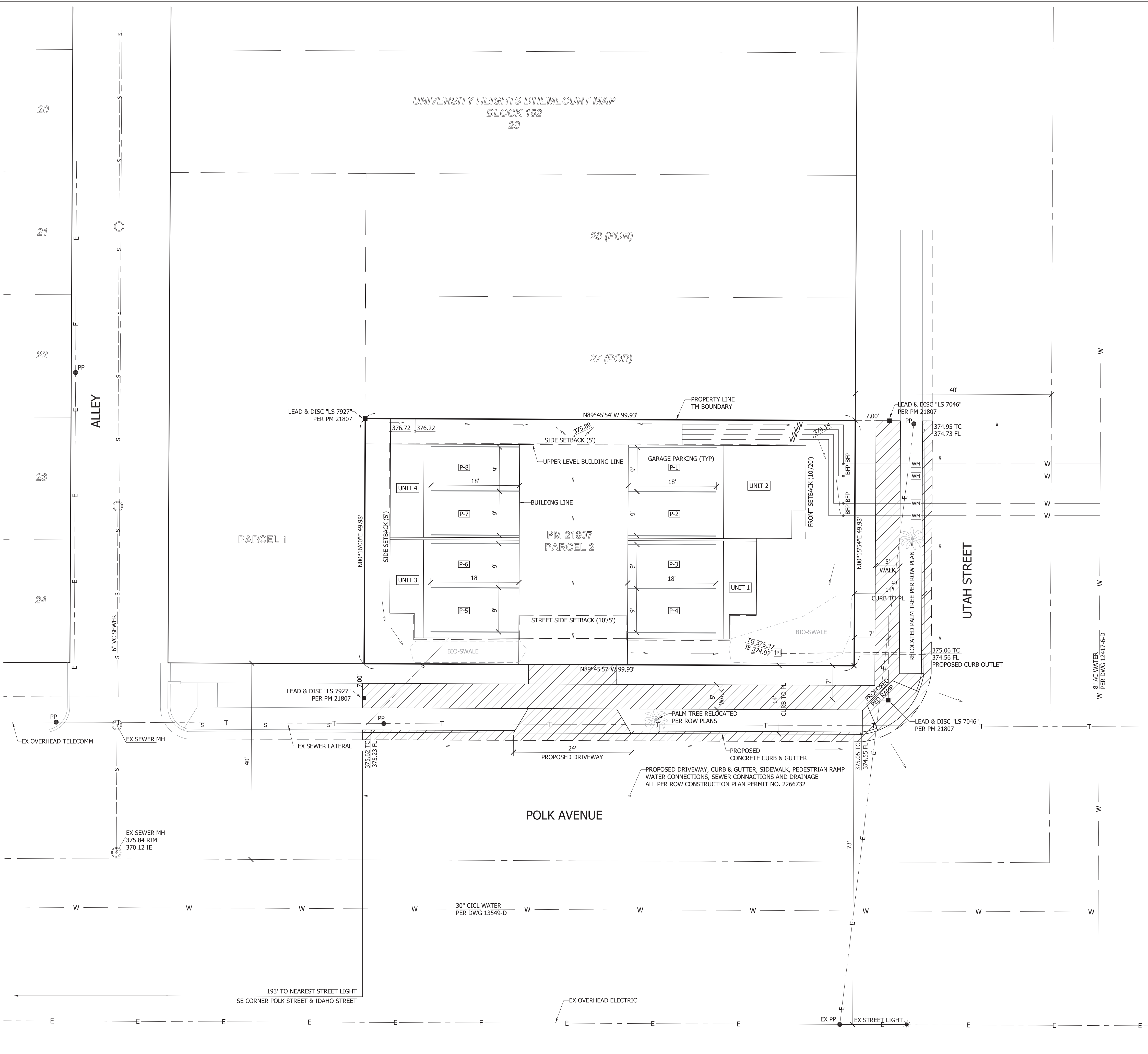


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V7K
VERNON V. FRANCK, PLS 7927

05/17/21
DATE



BLOCK 167