

THE CITY OF SAN DIEGO

# **Report to the Hearing Officer**

DATE ISSUED: January 16, 2019

REPORT NO. <u>HO-18-119</u>

HEARING DATE: January 23, 2019

SUBJECT: 6 AT NORTH PARK WAY. Process Three Decision

PROJECT NUMBER: <u>593192</u>

OWNER/APPLICANT: Grim Avenue, LLC, Owner/Gary Taylor, Applicant

#### <u>SUMMARY</u>

<u>Issue:</u> Should the Hearing Officer approve a Tentative Map Waiver for the creation of six residential condominium units that are currently under-construction at 3047 North Park Way within the Greater North Park Community Plan area?

<u>Staff Recommendation</u>: Approve Tentative Map Waiver No. 2094342 and waiver of undergrounding.

<u>Community Planning Group Recommendation</u>: On April 17, 2017, the North Park Planning Committee voted 14-0-0 to recommend approval of the proposed project without conditions (Attachment 7).

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15305, Minor Alterations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 7, 2018, and the opportunity to appeal that determination ended December 21, 2018 (Attachment 6).

#### BACKGROUND

The 0.14-acre site is located at 3047 North Park Way, in the RM-3-8 zone within the Greater North Park Community Plan area (Attachments 1-4). The project site is within an urban, developed residential neighborhood, surrounded by commercial, single- and multi-family development on all sides. The site is located at the southwest corner of Grim Avenue and North Park Way and is accessed from an alley along the western property line. The proposed Tentative Map Waiver would create six residential condominium units, currently under construction, for individual ownership. Page 2

The project qualifies for undergrounding waiver of the existing overhead utility facilities since it involves a short span of overhead facility (less than a full block in length).



Six residential townhomes that are currently under construction are proposed to be subdivided into condominium interests. The townhomes were developed by-right under the RM-3-8 zone regulations in accordance with San Diego Municipal Code (SDMC). Building permits were issued on April 5, 2017, under Project No. 493764. At the time of building permit issuance, the applicant paid an in-lieu fee of approximately \$54,307.81 to comply with the City's Affordable Housing Regulations. During ministerial review, the project was determined to be in compliance with all underlying zone regulations, including, but not limited to, height, floor area ratio, parking, setbacks and landscaping. The Tentative Map Waiver would allow for the creation of condominium units for home ownership opportunities and does not affect the previously approved building permit.

#### **DISCUSSION**

#### Process Approval Required

The proposed subdivision of six new condominium units on a single parcel that was previously mapped requires a Tentative Map Waiver (TMW) pursuant to SDMC Section <u>125.0120(b)(1)</u>. A Tentative Map Waiver requires a Process Three, Hearing Officer decision, with appeal rights to the Planning Commission.

#### Underground Waiver

SDMC section <u>144.0240</u> et. seq. requires Tentative Map Waiver projects to underground existing, privately-owned utilities serving a subdivision. However, a waiver of this requirement can be considered by the decision maker concurrently with a Tentative Map Waiver approval. The applicant

has requested a waiver of the requirement to underground existing public utilities within the rightof-way per SDMC 144.0242(c)(1)(B). Staff supports granting the 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.

#### Community Plan Analysis

The North Park Community Plan (NPCP) designates the 0.14-acre site as High Density Residential development at 45-54 dwelling units per acre (the six under-construction units result in a 45 du/ac density). The density per the underlying RM-3-8 base zone allows a maximum of eight dwelling units. Therefore, the creation of six residential condominium units is consistent with both the North Park Community Plan and the underlying base zone.

The NPCP recommends a diversity of housing options through new construction. The proposed subdivision to residential condominiums contributes to providing more variety and affordable home ownership opportunities in the area, by providing smaller, more efficient dwellings where mostly larger single-family dwellings exist.

#### **CONCLUSION**

Staff recommends approval of the project as proposed. According to SDMC Section 125.0440, Findings for a Tentative Map, 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 Land Development Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the Land Development Code. Staff has prepared draft findings and draft conditions of approval, and recommends the Hearing Officer approve the project as proposed.

#### **ALTERNATIVES**

- 1. Approve Tentative Map Waiver No. 2094342 (including a waiver of the requirement to underground existing utilities) with modifications.
- 2. Deny Tentative Map Waiver No. 2094342 (including a waiver of the requirement to underground existing utilities) if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

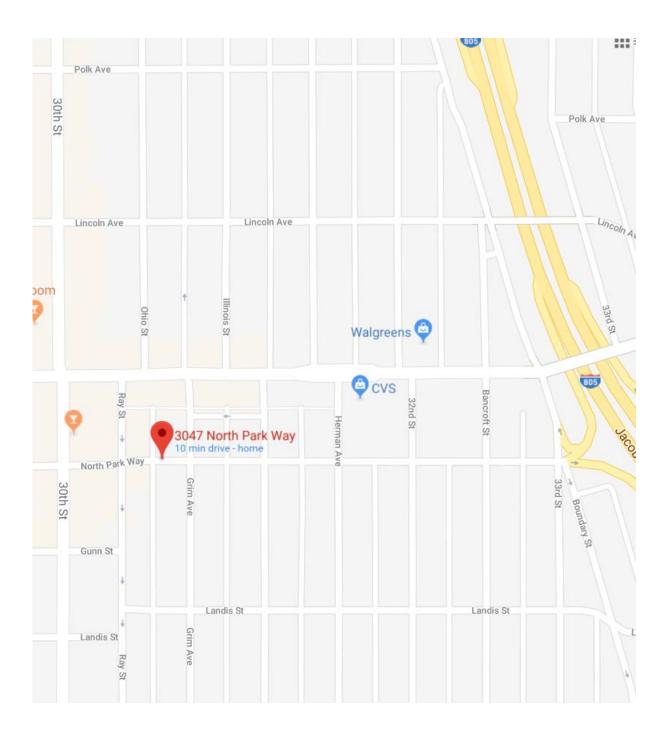
Jothon Benal

Anthony Bernal, Development Project Manager

Attachments:

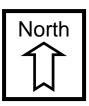
Page 4

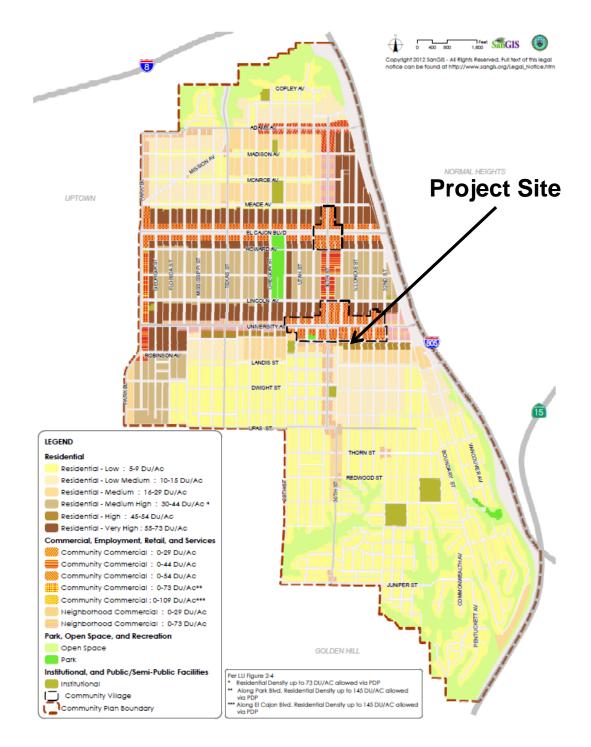
- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Street View Photograph
- 5. Draft Resolution with Findings and Conditions
- 6. Notice of Right to Appeal Environmental Determination
- 7. Community Planning Group Recommendation
- 8. Ownership Disclosure
- 9. Tentative Map Exhibit



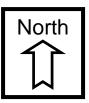


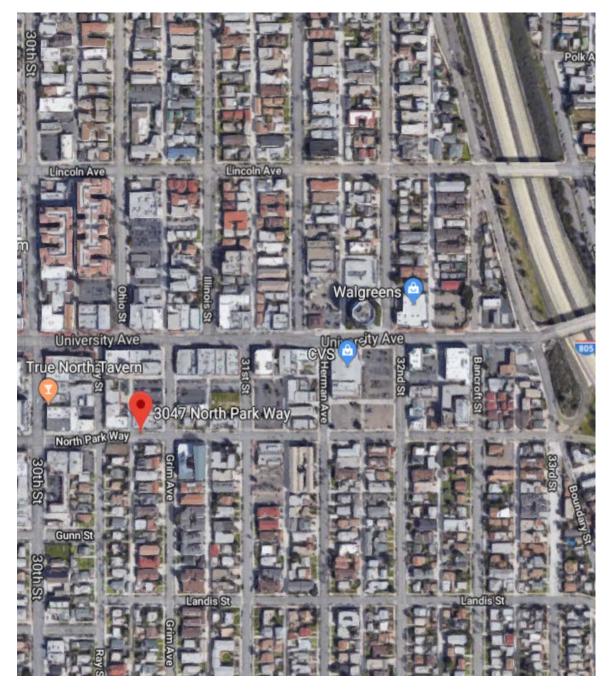
# **Project Location Map**





# Land Use Map

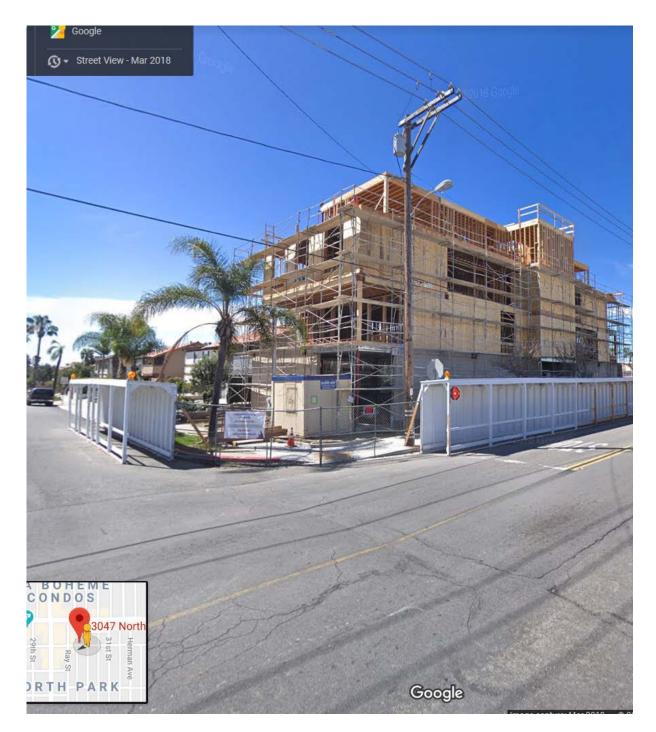






**Aerial Photo** 







**Street View** 



#### HEARING OFFICER RESOLUTION NUMBER R-\_\_\_\_\_ TENTATIVE MAP WAIVER NO. 2094342 6 AT NORTH PARK WAY PROJECT NO. 593192

WHEREAS, Grim Avenue LLC, Subdivider, and Victor Rodriguez-Fernandez, Engineer, submitted an application to the City of San Diego for a Tentative Map Waiver No. 2094342 for the creation of six condominium units currently under construction and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3047 North Park Way. The property is legally described as Parcel 1 of Parcel Map No. 21533, 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 December 15, 2015 as File No. 2017-7000486 of Official Records; and

WHEREAS, the Map proposes the Subdivision of a 0.14-acre site into six units for residential condominium development; and

WHEREAS, on December 7, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305, Minor Alterations, 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 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 six; 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) based on a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on January 23, 2019, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 2094342, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440 (tentative map waiver), and 144.0240 (underground), 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. 2094342:

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

The project proposes a Tentative Map Waiver to create six residential condominium units, currently under construction. The 0.14-acre site is located at 3047 North Park Way in the RM-3-8 zone, within the North Park Community Plan area. The proposed Tentative Map Waiver is to create residential condominiums units for individual ownership.

The proposed project is consistent with the land use residential designation of the North Park Community Plan. The Community Plan designates the project site residential high density, for 45-54 dwelling units per acre, or eight units allowed onsite. The project proposes a Tentative Map Waiver for the creation of six residential condominium units, currently under construction and approved by-right under Project No. 493764. The density per the RM-3-8 base zone allows a maximum of eight dwelling units onsite with no required minimum density. Therefore, the creation of six residential condominium units will not adversely affect the North Park Community Plan allowed land use and the base zone allowed density.

The North Park Community Plan recommends a diversity of housing options through new construction. The proposed subdivision to residential condominiums provides variety and affordable home ownership opportunities in the area, through smaller, more efficient dwellings where mostly larger single-family dwellings exist. The project is consistent with the residential densities set forth in the applicable land use plan and provides a variety of housing types for all income and social groups. Therefore, the proposed subdivision and its design or improvements 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 proposes a Tentative Map Waiver to create six residential condominium units, currently under construction. The 0.14-acre site is located at 3047 North Park Way in the RM-3-8 zone, within the North Park Community Plan area. The proposed Tentative Map Waiver will create residential condominiums units for individual ownership. The density per the RM-3-8 base zone allows a maximum of eight dwelling units onsite with no required minimum density.

The six residential condominium units are currently being constructed by right in accordance with the San Diego Municipal Code's base zone regulations. On April 5, 2017, the City of San Diego approved the residential development's ministerial construction permits under Project No. 493764. During the ministerial review, Project No. 493764 for the construction of the six residential condominium units was determined to be in compliance with all of the underlying zone regulations, including, but not limited to density, height, floor area ratio, parking, setbacks, and landscaping and no deviations were proposed. The Tentative Map Waiver proposes condominiums for home ownership opportunities and does not affect the previously approved building permits. The project complies with lot depth, width and zone requirements and does not propose any deviations. 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 proposes a Tentative Map Waiver to create six residential condominium units, currently under construction. The 0.14-acre site is located at 3047 North Park Way in the RM-3-8 zone, within the North Park Community Plan area. The proposed Tentative Map Waiver is to create residential condominiums units for individual ownership. The density per the RM-3-8 base zone allows a maximum of eight dwelling units onsite with no required minimum density. The Community Plan designates the project site residential high density, for 45-54 dwelling units per acre, or six to eight units allowed onsite. The site is located in an urban, developed neighborhood, is served by existing public infrastructure/utilities, and fronts on the fully developed North Park Way. The site is being constructed in compliance with all geologic, engineering, and building code requirements, as reviewed under the issued building permit (Project No. 493764) and right-of-way permit (Project No. 492927). The approved construction permits also includes a new gutter, curb and sidewalk with the installation of pedestrian ramp, alley apron, and utilities along North Park Way. Therefore, the site is physically suitable for the type and density of 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 was reviewed for conformance with the applicable zoning and development regulations of the Land Development Code. The site does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or Multiple Habitat Planning Area lands. The project is exempt from CEQA pursuant to CEQA Guidelines section 15305 (Minor Deviation). The project is located within an urbanized and built environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The project proposes a Tentative Map Waiver to create six residential condominium units for home ownership opportunities and does not affect the previously approved construction permits. The project has been reviewed and is in compliance with the San Diego Municipal Code and the Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and payment of applicable fees in order to achieve compliance with the regulations of the SDMC. The site is being constructed in compliance with all applicable geologic, engineering, and building code requirements, as reviewed under the issued building permit (Project No. 493764) and right-of-way permit (Project No. 492927). The proposed subdivision is consistent with the development regulations of the underlying zone of the Land Development Code regulations, and permitted requirements continue to govern this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the 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 proposed subdivision does not contain any easements acquired by the public at large for access through or use of property within the subdivision. The site fronts on North Park Way and is accessed from the alley between Ray Street and Grim Avenue. Therefore, the design of the subdivision and proposed improvement would 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 proposed subdivision to create six residential condominium units will not impede or inhibit any future passive or natural heating and cooling opportunities. The units are under construction and the building code provides opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities. Each residential unit, currently under construction, is exposed on two sides (north and south) to ensure passive cooling through cross-ventilation for the interior spaces. Therefore, the design of the proposed subdivision provides sufficient 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 proposes a Tentative Map Waiver to create six residential condominium units, currently under construction, for individual ownership. The 0.14-acre site is located at 3047 North Park Way in the RM-3-8 zone, within the North Park Community Plan area.

The creation of six condominium units would assist the housing needs of the North Park Community Area. All applicable Development Impact Fees (DIF), school, water/sewer connection, and other impact fees have been paid at building permit issuance under Project No. 493764. The applicant has complied with the City's Affordable Housing Regulations through payment of the in-lieu fee at the time of building permit issuance. The project is located in an urban, developed neighborhood and served by existing public infrastructure, including improved right-of-way and water, sewer, electrical, and gas lines. The subdivision would not place a significant impact on public resources such as police, fire, parks and library resources. The decision maker has reviewed the administrative record including the project plans, environmental documentation, and public testimony and considered the effects of the proposed subdivision on the housing needs of the region and determined that those needs were balanced against the needs for public services and the available fiscal and environmental resources.

The above 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. 2094342, including the waiver of the requirement to underground

existing offsite overhead utilities, hereby granted to Grim Avenue LLC subject to the attached conditions which are made a part of this resolution by this reference.

Ву

Anthony Bernal Development Project Manager Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 12002110

#### HEARING OFFICER CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2094342 6 AT NORTH PARK WAY - PROJECT NO. 593192 ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

#### **GENERAL**

- 1. This Tentative Map Waiver will expire February 7, 2022.
- 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. 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.
- 4. 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 Subdivider of any claim, action, or proceeding, or if 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 both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

#### **ENGINEERING**

- 5. Prior to the issuance of a Certificate of Compliance, the Subdivider shall, by permit and bond, 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.
- 6. Prior to the issuance of a Certificate of Compliance, the Subdivider shall, by permit and bond, construct the required Public Improvements per approved Right-of-Way Permit under Project No. 492927, drawing number 39520-D, including new curb ramp, sidewalks, curb & gutter, alley apron, curb ramps on both sides of the alley, and concrete pavement full width alley in the alley adjacent to the site, and lateral services, satisfactory to the City Engineer.

- 7. Prior to the issuance of a Certificate of Compliance, the Subdivider shall, by permit and bond, install one new street light on North Park Way, per the City of San Diego Street Design Manual-Street Light Standards and Council Policy 200-18, satisfactory to the City Engineer. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 8. The Subdivider shall ensure that all existing 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.
- 9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map Wavier 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 shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver.
- 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.

Please note if tax bond is required as indicated in the tax certificate, make sure that it is paid or posted, and submit an evidence (e.g., filed bond letter or receipt from Clerk of the Board) indicating the required tax bond amount has been paid or bonded.

13. Prior to the recordation of the 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.

#### WATER AND WASTEWATER

14. Prior to the issuance of a Certificate of Compliance, the Subdivider shall, by permit and bond, by permit and bond, the design and construction of all public water and sewer

facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

- 15. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.
- 16. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
- 17. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
- 18. All water services to the site, including domestic, irrigation and fire, will require private, above ground back flow prevention devices (BFPDs). BFPDs shall be located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.
- 19. Utilization of existing sewer laterals is at the sole risk and responsibility of the Owner/Permittee to ensure the laterals are functional and connected to a public sewer facility. Prior to connecting to any existing sewer lateral, the lateral shall be inspected using a closed-circuit television (CCTV) by a California Licensed Plumbing Contractor to verify the lateral is in good working condition and free of all debris.

#### **INFORMATION:**

- The approval of this Tentative 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 USC § 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 Tentative 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 Tentative Map Waiver, may protest the imposition within ninety days of the approval of this Tentative 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. 12002110



THE CITY OF SAN DIEGO

# Date of Notice: December 7, 2018 NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

#### **DEVELOPMENT SERVICES DEPARTMENT**

SAP No. 12002049

PROJECT NAME / NUMBER: 6 AT NORTH PARK MAP WAIVER / 593192 COMMUNITY PLAN AREA: GREATER NORTH PARK COUNCIL DISTRICT: 3 LOCATION: 3047 North Park Way, San Diego CA, 92104

**PROJECT DESCRIPTION:** A Map Wavier to waive the requirements for a Tentative Map for the creation of six condominium units currently under construction located at 3047 North Park Way. The 0.14-acre site is located in the RM-3-8 base zone within the Greater North Park Plan area, Council District 3.

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Development Services Department

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15305 Minor Alterations in Land Use Limitations.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from CEQA pursuant to Section 15305. Section 15305 allows for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

DEVELOPMENT PROJECT MANAGER:	Anthony Bernal II
MAILING ADDRESS:	1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER / EMAIL:	<b>(</b> 619) 446-5147 / aqbernal@sandiego.gov

On December 7, 2018 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this

Notice (December 21, 2018). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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



NORTH PARK PLANNING COMMITTEE (NPPC)

# **Draft Meeting Minutes**

# April 17, 2018

## 2901 North Park Way, 2nd Floor

www.northparkplanning.org info@northparkplanning.org

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### I. Parliamentary Items

1. Call to Order, Roll Call and Attendance Report

Member	Kate Callen	Steve Doster	Kathleen Ferrier	Daniel Gebreselassie	Marc Gould	Peter Hill	Megan Kucharski	Sarah McAlear	Dang Nguyen	Chelsi Sparti	Melissa Stayner	Tim Taylor	Eduardo Velasquez	René Vidales	Randy Wilde
Attendance	1	2	3	4	5	6		7	8	9	10	11	12	13	14
Late															
Absences							1								

- 2. Modifications to the NPPC Agenda
  - a. <u>Consent Agenda Items</u>: Items were heard, voted on at an NPPC subcommittee and are not considered controversial. *Items on the Consent Agenda can be moved to Action for full discussion by any member of the Board or Public.* 
    - i. Urban Design/Project Review. Members present: Hill, Stayner, Gould, Doster, Taylor, Bonn, Steppke
      - Tentative Map Waiver 3047 North Park Way. Map Waiver to waive the requirements for Tentative Map for the creation of 6 condominium units currently under construction located at 3047 North Park Way. The 0.14-acre site is located in the RM-3-8 zone within the Greater North Park Community Plan area. Mehran Saberi, Applicant. PTS 593192\*\*. The UD/PR Subcommittee Motion was: To approve Tentative Map waiver due to desirability of home ownership within the community for stability. The NPPC disagrees strongly with practice of "Dual Tracking" which allows projects to initially be permitted as apartments and then be entitled as condominiums. Hill/Gould 5-2-0 (Steppke, Bonn).

#### **MOTION:** To approve Consent Agenda. Gould/UDPR on Consent 14-0-0.

- 3. Agenda: <u>MOTION</u>: To modify the April 17, 2018 agenda by moving the Consent Agenda Item from PF&T Subcommittee to an Action Item, and to be heard after Election of Board Officers. Gebreselassie/Gould 14-0-0
- 4. Minutes: MOTION: To approve the March 20, 2018 Minutes. Ferrier/ Stayner 8-0-6 (Taylor, Velasquez, Sparti, Wilde, Doster, Gould abstaining; Taylor and Velasquez due to not being present at the March 20 meeting and the rest due to not being board members at that time)

5. Treasurer's Report. Balance \$1,042.67

### II. Election of Board Officers, Appointment of Subcommittee Chairs & Liaisons

#### 1. Election of Board Officers

- a. Chair. <u>MOTION</u>: To elect René Vidales as Chair. Hill/Stayner 13-0-1 (Vidales abstaining due to being the subject)
- b. Vice Chair. <u>MOTION</u>: To elect Steve Doster as Vice Chair. Hill/Nguyen 13-0-1 (Doster abstaining due to being the subject)
- c. Secretary. <u>MOTION</u>: To elect Kathleen Ferrier as Secretary. McAlear/Wilde 13-0-1 (Ferrier abstaining due to being the subject)
- d. Treasurer. MOTION: To elect Chelsi Sparti as Treasurer. McAlear/Ferrier 13-0-1 (Sparti abstaining due to being the subject)
- e. Community Planners Committee (CPC) Alternate. <u>MOTION</u>: To elect Tim Taylor as CPC Alternate. Vidales/Nguyen 13-0-1 (Taylor abstaining due to being the subject)

#### 2. Appointment of Subcommittee Chairs & Liaisons

- a. Urban Design/Project Review Subcommittee Chair and Vice Chair. Appointment of Peter Hill as Chair and Melissa Stayner as Vice Chair of the Urban Design/Project Review Subcommittee.
- b. Public Facilities/Transportation Subcommittee Chair and Vice Chair. Appointment of Eduardo Velasquez as Chair and Steve Doster as Vice Chair of the Public Facilities & Transportation Subcommittee.
- c. Balboa Park Committee (BPC). NPPC liaison is appointed by the Mayor but NPPC vote is needed. <u>MOTION</u>: To nominate Vicki Granowitz as NPPC liaison to BPC. Vidales/Nguyen 14-0-0
- d. Maintenance Assessment District. Appointment of Peter Hill
- e. North Park Main Street. Appointment of Tim Taylor
- f. Adams Avenue Business Improvement Association. Appointement of Chelsi Sparti
- g. El Cajon Boulevard Business Improvement Association. Appointement of Randy Wilde
- III. Action Item Pulled from Consent Agenda: List of requested considerations in regards to conversion from parallel parking to angle (head-in) parking. Letter of requested practices for noticing and implementation. Follow-up to March 14, 2018 presentation by City Staff regarding proposed parking conversion for multiple locations with expected net parking gains. Approved by Community Parking District. Notices to be provided to affected residents and business owners.
  - a. Overview from Velasquez: Residents can voice concern with parking assignments: (a) opt out to mail into city, (b) petition process to collect signatures from residents and submit to city. Through subcommittee discussion, decision made to write letter to City outlining 9 items. The change in process regarding opt out vs. opt in reflects a change in the City's ordinance requiring 51% of residents on a block to opt out. If this threshold is met, City will start a process to review. The effort was started through a City pilot program. If residents want to oppose angled parking on their block, they can send petition to City. The PF&T Subcommittee Motion was: To approve draft letter of requested practices in regards to conversion from parallel parking to angle (head-in) parking as edited below. Carlson/Steppke 8-0-0
  - b. <u>Public comment:</u>
    - Concern that increase in parking spaces on neighborhood streets will negatively impact people living on those blocks, and that the effort is led by the City rather than residents, and is counter to goals in City's Climate Action Plan, and North Park Community Plan to be a walkable community. Would like to see a more pro-active opt-out option made available.
    - Does not support. Seems like opt-out process will be difficult to achieve.
    - How is 50% calculated?
    - Are some of the additional spaces a result of the University Avenue Mobility Project? A: No

- Concern with headlights in windows of homes. Suggestion to include information on paperwork about pros and cons of additional parking. Suggestion to provide second notice as well as online notice via Next Door.
- Concerned that very few people know about the proposed changes. Did the ordinance have a public notice period? A: NPPC had moved in previous meeting to not lower % thresholds for approval to grant parking changes. But City made decision as presented and it is a City-wide ordinance, not just in North Park.
- Feels sucker-punched with news because no other mention of it anywhere. Discerning that they found out via Next Door app rather from City.
- Dionné Carlson: Gave history; Pilot program came to Public Facilities Subcommittee several years ago. Generally speaking, multi-family homes supported and single-family homes did not.
- c. Board comment:
  - Taylor: Why did the City make the change? A: The City changed the process to be able to implement changes they perceive to be beneficial to the community in an expedient fashion. This ordinance is underway and NPPC does not have opportunity at this point to change. However, NPPC can notify residents to submit petitions.
  - Wilde: As we have little time to change this process at the City, then we should get more information out to residents ASAP.
  - Callen: Thanked all residents for attending.
  - Sparti: Likes the motion as written and is supportive of approval.
  - Gebreselassie: Residents can change the decision at project level (through petition).
  - Doster: Supports the wording of the letter and gives more guidance to the City.
  - Ferrier: Supports the wording of the letter but concerned not enough outreach to community to let them know of changes.
  - Hill: What is likelihood that the City will respond to the concerns raised? A: Hard to know given timing but NPPC can submit comments directly to staff.
  - Gould: Thank you to Velasquez for work on this. Would like to see more outreach on this issue.
  - Velasquez: Thank you to residents who attended to voice concerns. Supports NPPC's decision to submit comments. Most likely cannot change ordinance, but could impact the way the City handles process.
  - Nguyen: Do we know how many spots would be changed on each block? A: City has information on their website.
  - Vidales: Were proposed conversions on E/W streets or N/S? A: Would have to check City's website.

# **<u>MOTION</u>**: To support the Subcommittee motion approving the draft letter of requested practices in regards to conversion from parallel parking to angle (head-in) parking as edited below.

Due to the large number of requests for increased parking, the difficulty of obtaining responses from absentee property owners, the success of NPPC's pilot Head-in Parking project at Kansas and El Cajon Blvd, and the success of subsequent head-in and angled parking conversions; NPPC supports the Mid-City Parking District's request to change from an "Opt-in" to an "Opt-Out" system for Parking Conversions from Parallel to Head-in or Angle parking.

As a result of NPPC's extensive past experience with parking conversions, NPPC requests that, in order to ensure both public satisfaction and public safety, each parking conversion project (Head-in or Angle) include the following:

- 1. Notice to both residents (including renters) and property owners on each impacted street.
- 2. Notice to include a clear drawing showing the Proposed parking conversion vs. Existing parking plan, the number of existing spaces, the number of spaces After proposed conversion and any Disabled Parking, Loading zones, etc. clearly marked, along with the location of any red curbing required.
- 3. Notice to include an Opt-out check-box and a space to write where the recipients are encouraged to give the city feedback on any improvements/concerns they might deem advisable/desirable, whether they support the project or not.

- 4. Center Line striping, particularly when Head-in or Angle parking switches from one side of the street to the other on the next block. Ensure alignment across intersections.
- 5. A white stripe delineating the limit of how far the Head-in/Angled parked vehicles may extend into the traffic lane without causing a hazard.
- 6. Sufficient Attention paid to project design area to ensure that curb height and drainage in Parking Conversion project areas are sufficient to prevent the parked vehicle from parking too far forward, thus encroaching over the curb and into the Parkway or Public Right-of-Way (PROW).
- 7. Attention be paid to intrusions in the PROW (utility boxes, etc.) that might impede the safe implementation of such projects without further impeding pedestrian accessibility.
- 8. Disability spaces should be placed on the ends of the block as parallel parking spaces. So-doing helps ensure better visibility around corners, and thus public safety. It also makes for easy ingress to and egress from the disabled parking spot.
- 9. Electronic notification to NPPC with Parking Conversion Implementation Dates and Times, for distribution as blocks are designated for conversion.

#### McAlear/Gould 12-2-0 (Callen and Taylor voting no)

## IV. Non-Agenda Public Comment:

Ferrier: Citizens Coordiante for Century 3 (C3) Breakfast next Thursday, April 26 at 7:30 am, on subject of Inclusive Growth. More info at www.c3sandiego.org.

Ferrier: Placemaking Ordinance passed in the City of San Diego today to allow neighborhood residents to apply for permits to build Placemaking/Public Art projects in their community. Vidales: the NP Community Plan already includes Placemaking in the Tool Box Appendix.

### V. Announcements & Event Notices: Limited to One minute each.

- 1. North Park Thursday Market (Farmers Market). Every Thursday 3pm-7:30pm year round
- 2. North Park Senior Apartments Grand Opening. Community Housing Works hosting. Friday, April 27 10:00 am to 12:00 pm.
- 3. Adams Avenue UnPlugged. Saturday, April 28 from 12 noon to 10 p.m.
- 4. **Viva North Park.** Cinco de Mayo + Street Food Celebration Saturday, May 5 from 11:30 am to 11 pm. Chase Bank parking lot and portion of alley.
- 5. North Park Festival of Arts. Saturday, May 12, 11 a.m. to 10 p.m. University Ave. between 30<sup>th</sup> and 32<sup>nd</sup> Streets and additional side streets
- 6. **Vegan Street Fair**. Saturday, May 12, noon to midnight. Hamilton St. between El Cajon Blvd. and Howard Ave.
- 7. Rock 'n' Roll Marathon. Sunday, June 3
- 8. Taste of Adams Avenue. Sunday, June 25, 11 a.m. to 3 p.m.
- 9. SANDAG Open House to solicit input on Regional Transportation Plan. Monday April 23 11:30am -2pm, and 5:30-8 pm.

## VI. Elected Official Reports & contact Info:

- Jessica Poole, Hon. Susan Davis, US Congress Dist. 53, 619-208-5353, Jessica.Poole@mail.house.gov. Congress recently passed omnibus appropriations bill. Understanding North Korean Crisis event happening Saturday, April 21.
- 2. Nick Serrano, Hon. Todd Gloria, State Assembly Dist. 78, 619-645-3090, Nick.Serrano@asm.ca.gov
- 3. Toni Duran, Hon. Toni Atkins, State Senate Dist. 39, 619-645-3133, Toni.Duran@sen.ca.gov
- 4. Tyler Renner, Hon. Chris Ward, City Council Dist. 3, 619-236-6633 <u>TRenner@sandiego.gov</u>. Will work to distribute information on behalf of CM Ward to residents who are affected regarding parking changes. Mayor released his budget last week, relatively balanced budget; includes new funding for CleanSD, infrastructure, and safety. May 9 is a Town Hall meeting with Independent Budget Analyst. CM Ward will be at Farmers Market Thursday 4/26. Questions from Board regarding utility undergrounding, code enforcement, citywide budget hearings.

5. Planner's Report: Elizabeth Ocampo Vivero, 619-236-6301, EOcampo@sandiego.gov

\*Boardmember Gould leaves at 8:00 pm

## VII. Action Item:

- Rock 'n' Roll Marathon Letter of Support. Lee Collenberg. Request for a letter of support for Rock 'n' Roll San Diego Marathon and Half Marathon. Discussion of course that will take place in North Park during the upcoming June 3<sup>rd</sup> race. Road closures will be in place between the hours of 5 am and 10:45am, and will be lifted on a rolling basis. This means that some roads may open sooner than other roads based on their location on the route. Course map and full list of road/ramp closures. Lee Collenberg, Community Relations, Rock 'n' Roll Marathon Series.
  - <u>Board Comment:</u> Notice provided on buses about route change? A: Some notification happening now. Lee Collenberg will ask for notification for entire route.

# <u>MOTION</u>: To approve letter of support for the Rock 'n' Rolle Marathon. Gebreselassie/ Callen 13-0-0

- 2) Proposal to use Transient Occupancy Tax (TOT) Funds for Balboa Park. Request for Letter of Support for a ballot measure to allocate TOT funds for Balboa Park's deferred maintenance needs and continued upkeep. Balboa Park is an iconic and historical national landmark home to 18 museums, performing arts venues, gardens, cultural and recreational attractions providing destination for local and outside visitors. It is currently in a state of disrepair with approximately \$300 million in deferred maintenance costs and it needs a permanent funding source to sustain its existence. Daniel Gebreselassie.
  - o Public Comment: Recommendation to wait until after ballot language is drafted.
    - Concerns raised that not enough information is included to support yet
  - Board Comment:
    - Nguyen: Agrees with public. Asks if there is a target dollar amount for initiative? A: No
    - McAlear: Recommends revisiting after more details are available
    - Stayner: Too early and not enough details yet.
    - Velasquez: Would like to see language in ballot measure before supporting
    - Hill: Too early
    - Ferrier: Too early
    - Doster: Would like to see more details first
    - Sparti: Very important issue but would like to see more information first
    - Callen: Great idea but will likely need more ground support
    - Wilde: Agrees with other comments
    - Taylor: Nothing to add but good idea.
    - Vidales: Loves the idea but difficult to support without more information at this point.

No Motion was made.

## VIII. NPPC Reports

#### 1. Chair's Report

*a.* **Award of Merit for North Park Community Plan.** The American Planning Association (APA) San Diego Chapter will give the Award of Merit on Comprehensive Planning-Large Jurisdiction to the North Park Planning Committee and City of San Diego on May 17 at the Coronado Community Center. This is the 2<sup>nd</sup> award to the NP Community Plan, as the first award was given by the Association of Environmental Professionals last October for Outstanding Planning Document. After a search on awards to local community plans in the last few years, only 2 other community plans have obtained the APA award on comprehensive planning but none have received both awards. City Planner Elizabeth Ocampo Vivero wrote to Chair Vidales: "*Thanks so much for your continued commitment and support to the North Park Community. This award is a result of hard work and great collaboration between the North Park Planning Committee* 

and the Planning department and it is really great news. Congratulations! Thanks for submitting the application, we really appreciate it. We will definitely be attending the Awards Ceremony."

- b. Community Orientation Workshop (COW). Saturday, May 5, 8 a.m. to 12 p.m. 202 C St. 12<sup>th</sup> Floor. RSVP required. Attendance by all elected planning group members at a COW session or by completing the Electronic COW (E-COW) within 60 days after being elected satisfies the requirement.
- c. **Community Planners Committee** (CPC). Tuesday, April 24, 2018, 7-9 pm. 202 C St Civic Concourse. Terrace Level Silver Room. For more info:

http://www.sandiego.gov/planning/community/cpc/agendas/index.shtml

- i. **Middle Income Density Bonus**. Proposed regulations creating a density bonus to promote middle income affordable housing. CPC rejected the regulations, as the current draft allows combination of both middle-income housing and affordable housing density bonuses in regards to parking.
- ii. Senate Bills SB827 & SB828.

**SB 827**. This bill would eliminate local zoning within a <sup>1</sup>/<sub>2</sub> mile radius of a major transit stop or a <sup>1</sup>/<sub>4</sub> mile radius of a high-quality transit corridor, and replace local zoning with state mandates which would exempt such areas from all local area ration limitations, parking requirements and limitations.

**SB 828**. This bill would raise the requirement for local Housing Elements to accommodate 100% of the expected demand for local, very low and low-income housing to 200% of expected demand for such housing.

SB827 SB828 were rejected unanimously by CPC.

- iii. **Code Enforcement updates.** Code Enforcement will no longer do follow ups on Priority III cases. Priority I cases include imminent health & safety hazards, Priority II includes significant code violations, and Priority III includes other code violations and/or conditions adversely impacting the quality of life.
- iv. **Commercial and Industrial Common Interest Developments (CICID)**. Condo commercial buildings have negative impact from future Marijuana dispensaries nearby, as it may affect the cost of their insurance policy. Example of one business condo complex that added a Marijuana business and displaced other businesses.
- d. **Civic San Diego North Park Luncheon**. March 29 presentation on economic development programs and tools, including Housing Enhancement Loan Program, New Markets Tax Credit Program
- e. North Park Economic Development Tour. Peter Hill attended and they highlighted 3 North Park recently completed projects: The Earnest (30<sup>th</sup> & Howard), the North Parker (30<sup>th</sup> & Upas), and the Louisiana Purchase (University and Louisiana)
- 2. Social Media Treasurer Sparti will give reports moving forward
- 3. NPPC Website Randy Wilde will give reports moving forward
- 4. Subcommittee Reports:
  - a. Urban Design/Project Review (UDPR): Peter Hill Chair, Melissa Stayner Vice Chair NP Rec Center Social Room, 6:00 pm 1<sup>st</sup> Monday. Next meeting May 7, 2018
  - b. Public Facilities & Transportation (PF&T): Eduardo Velasquez Chair, Steve Doster Vice Chair
     NP Adult Center, 6:00 pm, 2nd Wednesday. Next meeting May 9, 2018

#### 5. Liaisons Reports:

- a. **Balboa Park Committee.** Rob Steppke. Rock 'n' Roll Marathon was considered. Friends of Balboa Park is going to reconstruct Honeymoon Bridge. Plaza de Panama project will be postponed until October because of current litigation. Wayfinding signage project kicking off soon. Will have public meetings to solicit input.
- b. **Maintenance Assessment District.** Peter Hill. Reviewed City's 50/50 sidewalk repair cost sharing program; the MAD is authorized to offset part of resident's cost. Approved funding to replace electrical junction box lids on University Ave. twinkle lights.

- c. North Park Main Street. Tim Taylor. Update on PBID (administered by Main Street) projects, they are planning to take advantage of City of San Diego's new Placemaking Policy. Arts Festival is coming up May 12.
- d. Adams Avenue Business Association. From Dionné Carlson: Working on Unplugged event
- e. El Cajon Boulevard Business Improvement Assoc.
- IX. Future NPPC Meeting Dates & Agenda Items: Next meeting is Tuesday, May 15, 2018
- X. Adjournment. Meeting adjourned at 8:35 p.m.



Attachment 8

Approval Type: Check appropriate box for type of approval (s) requested: [ Neighborhood Use Permit Coastal Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Project Name of Taritative Map Vasing Tentative Map IKMap Waver Land Use Plan Amendment * Other	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000	Ow	nership Disclosure Statement
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Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (5-05)

Attachment 8

Project Title: 6 @ North Park	Project No. (For City Use Only)
Part II - To be completed when property is held by	a corporation or partnership
Legal Status (please check):	
Corporation Liability -or- General	) What State? CA_ Corporate Identification No.
as identified above, will be filed with the City of San D the property Please list below the names, titles and a otherwise, and state the type of property interest (e.g. in a partnership who own the property). <u>A signature i</u> property. Attach additional pages if needed. <b>Note:</b> The ownership during the time the application is being proc	bwner(s) acknowledge that an application for a permit, map or other matter, liego on the subject property with the intent to record an encumbrance against addresses of all persons who have an interest in the property, recorded or , tenants who will benefit from the permit, all corporate officers, and all partners is required of at least one of the corporate officers or partners who own the e applicant is responsible for notifying the Project Manager of any changes in cessed or considered. Changes in ownership are to be given to the Project g on the subject property. Failure to provide accurate and current ownership ess. Additional pages attached Yes No
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
V Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address: 7851 Mission Center	Street Address:
City/State/Zip:	City/State/Zin:
Phone No: San Diego, (A 9210 Fax No: Fax No:	Phone No. Fax No.
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	3.2.017 Signature : Date:
pricesaber, Pri	Cuelt
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
	Corporate/Partnership Name (type or print):
Corporate/Partnership Name (type or print):	corporate/Partnership Name (type of printy.
Corporate/Partnership Name (type or print):	Owner      Tenant/Lessee
☐ Owner ☐ Tenant/Lessee	☐ Owner ☐ Tenant/Lessee
Owner   Tenant/Lessee     Street Address:	Owner   Tenant/Lessee     Street Address:
Owner     Tenant/Lessee       Street Address:       City/State/Zip:	Owner     Tenant/Lessee       Street Address:       City/State/Zip:
Owner     Tenant/Lessee       Street Address:       City/State/Zip:       Phone No:     Fax No:	City/State/Zip:       Phone No:

