

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED:	February 1, 2023	REPORT NO. 23-006
HEARING DATE:	February 8, 2023	
SUBJECT:	Point North Park Condos, PROCESS THREE DE	ECISION
PROJECT NUMBER:	<u>696387</u>	
REFERENCE:	Building Permit Project No. 647229	
OWNER/APPLICANT:	Point North Park LLC, Barnet Resnick / Mehra Developments, Inc., (Attachment 8).	an Saberi, president of PMA

<u>SUMMARY</u>

<u>Issue</u>: Should the Hearing Officer approve a Tentative Map Waiver for the creation of five residential condominium units in a building located at, 3776 32nd Street, within the North Park Community Plan area.

Staff Recommendation: Approve Tentative Map Waiver No. 2579787.

<u>Community Planning Group Recommendation</u>: On February 15, 2022, the North Park Community Planning Group voted 10-0-1 to recommend approval of the proposed project without conditions or recommendations (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 in Land Use Limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 9, 2023, and the opportunity to appeal that determination ended on January 23, 2023. (Attachment 6).

BACKGROUND

The Point North Park Condos project 696387 is a request for a Tentative Map Waiver for five residential condominium units in a building located at 3776 32nd Street (Attachment 1 & 3). The 0.14 acre site is located in the RM-3-8 (Residential-Multiple Unit) base zone within the North Park

Community Plan (NPCP) area (Attachment 2) and is already under construction per project permit No. 647229.

DISCUSSION

The project requires a Tentative Map Waiver per SDMC section <u>125.0120</u> to create five residential condominium units under construction on one existing lot (Attachment 9). The project is for subdivision only and no further development is proposed. Pursuant to SDMC section <u>125.0122</u>, the project as proposed requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to SDMC section <u>125.0123</u>, 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 is a request for a Tentative Map Waiver to allow for condominium ownership of residential units within a three-level, five unit building that is currently under construction. Five residential condominium units are on one 6,280 square foot lot located at 3776 32nd Street in the North Park Community Planning Area. The project site is a previously graded, flat lot with frontage along 32nd street with alley access at the rear. The development of the five residential units was approved under a previous approved Combination Building Permit No. 647229. The project is within the land use residential designation of "Residential - High", which allows for 45-54 dwelling units per acre in the North Park Community Plan, and the Airport Land Use Compatibility Overlay Zone (San Diego) International Airport), Airport Influence Area (Review Area 2 for SDIA) and the FAA Part 77 Noticing Area.

Conclusion:

City 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 regulations of the Land Development Code. Staff has provided draft findings and conditions to support approval of the Project (Attachments 4,5,). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

- 1. Approve Tentative Map Waiver No. 2579787, with modifications.
- 2. Deny Tentative Map Waiver No. 2579787, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Will Rogers

Will Rogers, Development Project Manager

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Attachments:

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





Project Location Map

POINT NORTH PARK TENATIVE MAP WAIVER Project No. 696387, 3776 32nd Street , SD North Park Community Plan Area







Land Use Map-Residential-High

POINT NORTH PARK TENATIVE MAP WAIVER Project No. 696387, 3776 32nd Street , SD North Park Community Plan Area







Aerial Photograph

POINT NORTH PARK TENATIVE MAP WAIVER Project No. 696387, 3776 32nd Street , SD North Park Community Plan Area



RESOLUTION NO. _____ DATE OF FINAL PASSAGE FEBUARY 8, 2023_____

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO. 2579787 FOR 3776 32nd Street- PROJECT NO. 696387

WHEREAS, Point North Park LLC, Subdivider, and PMA Developments INC, Engineer, submitted an application with the City of San Diego for Map Waiver No. 2579787, to waive the requirement for a Tentative Map and Final Map for the creation of 5 residential condominium units in a new building under construction, located at 3776 32nd Street. The 0.14 acre site is located in a RM-3-8 (Residential-Multiple Unit) base zone within the North Park Community Plan (NPCP) area. The property (APN 453-163-1200) is legally described as LOTS 29 AND 30 OF BLOCK OF HARTLEY'S NORTH PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1428, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; and

WHEREAS, on January 9, 2023, 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

ATTACHMENT 4

WHEREAS, the project consists of five units under construction under previously issued permits for which Certificates of Occupancy have not been issued. The construction permits were approved by the City on 4/9/2021 as part of a Building Permit No. 647229; 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 five under construction; and

WHEREAS, on Febuary 8, 2023, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 2579787, and pursuant to sections 125.0122 (map waiver) and 125.0440 (tentative map), of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 2579787:

A. <u>Findings for a Tentative Map – San Diego Municipal Code (SDMC) Section</u> <u>125.0440</u>

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 to create five residential condominium units currently under construction on one 6,280 square foot lot located at 3776 32nd Street in the North Park Community Plan Area. The North Park Community Plan designate the site as RM-3-8 (Residential-Multiple Unit) base zonel with a 45-54 dwelling units per acre with a maximum of five dwelling units on the 0.14 -acre site. The site is zoned RM-3-8 and the construction of five residential dwelling units was approved for the site on 4/9/2021 as part of Building permit No. 647229, and those units are under construction. The proposed subdivision is consistent with the land use designation and the underlying RM-2-4 zone.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code and the North Park Community Plan, including any allowable deviations pursuant to the Land Development Code.

No development will result from the subdivision of the site. The project is currently under construction and was approved under active Building Permit Project No. 647229 on 4/9/2021. The proposed subdivision is consistent with all the development regulations of the RM-3-8 and the North Park Community Plan. No deviations are proposed or required to approve the tentative map waiver.

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

The site is flat and has been previously graded. The site fronts on 32nd Street and an alley to the back. The total of 5 residential units is below the allowed 8 units. The total Floor Area Ratio of 0.87 is below the maximum 2.25, and the total building height of 41.0 feet is below the 50 feet maximum permitted per the North Park Community Plan. Therefore, the site is physically suitable for the type and density of the 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 Tentative Map Waiver was reviewed for conformance with the applicable zoning and development regulations of the Land Development Code. The review included requiring compliance with storm water runoff requirements during and after construction. The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15305 (Minor Alterations to Land Use Limitations). The project is located within an urbanized and built environment where there are no watercourses 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 avoidable injure fish or wildlife on 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 Tentative Map Waiver was reviewed and determined to be in compliance with the Municipal Code and the Subdivision Map Act. The Tentative Map and associated development permit includes conditions and corresponding exhibits of approvals, including undergrounding onsite utilities, storm water and construction water runoff, adequate parking, and public improvements, in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed project is exempt from CEQA pursuant to 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines. Therefore, the project 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 or propose any new easements for the development. 32nd Street fronts the property to the east and an alley abuts the property to the west, where public access will be maintained. Therefore, the design of the subdivision and proposed improvements 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.

No new development will result from the subdivision of the site. The site is under construction with five residential dwelling units and all public and private improvements are existing or under construction. Each unit allows for passive heating opportunities through daylight openings. Those openings also provide for passive cooling through cross-ventilation of interior spaces. 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 site currently contains five dwelling units under construction. The applicant will pay the in-lieu fee to the City to meet the affordable housing requirement. The decision maker has determined that the provision of five residential units and the associated increase in the need for public services and the available fiscal and environmental resources are balanced by adequate public transit in the immediate area, the proximity of shopping, and essential services and recreation in the nearby developed urban area.

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 these Findings adopted by the Hearing Officer,

Tentative Map Waiver No. 2579787 is hereby granted to Point North Park LLC/ PMA Developments

Inc. subject to the attached conditions which are made a part of this resolution by this reference.

Bу

Will Rogers Development Project Manager Development Services Department

ATTACHMENT: Map Waiver Conditions Internal Order No. 11004543

ATTACHMENT 5

HEARING OFFICER CONDITIONS FOR TENTATIVE MAP WAIVER NO.2579787 3776 32nd Street (APN 453-163-1200) PROJECT NO. 696387 ADOPTED BY RESOLUTION NO. _____ON FEBRUARY 8, 2023

GENERAL

- 1. This Map Waiver will expire on February 8, 2026.
- 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.

AFFORDABLE HOUSING

6. Prior to recordation of the Certificate of Compliance, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the condominium conversion inclusionary housing fee pursuant to the Inclusionary Affordable Housing Regulations (San Diego Municipal Code § 142.1301 *et seq.*).

Note - The inclusionary affordable housing fee is paid directly to the Housing Commission at the close of escrow of the first condominium sold within the development.

ENGINEERING

- 7. The Subdivider shall construct the required Public Improvements per approved Right-of-Way Permit No. 2365386 including new curb/gutters, sidewalk and full width alley paving adjacent to the site.
- 8. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
- 9. 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.
- 10. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

- 11. Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
- 12. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 13. A Certificate of Compliance (COC) shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver (TMW).
- 14. Prior to the recordation of the Certificate of Compliance, all conditions in the Tentative Map Waiver (TMW) Resolution of Approval must be satisfied. 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.
- 15. 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.

- 16. Every Certificate of Compliance] shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

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



THE CITY OF SAN DIEGO

Date of Notice: August 17, 2020 NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION DEVELOPMENT SERVICES DEPARTMENT

PROJECT NAME / NUMBER: Prokopenko Addition Companion Unit CDP / 635117
 COMMUNITY PLAN AREA: Pacific Beach
 COUNCIL DISTRICT: 2
 LOCATION: 3535 Promontory Street, San Diego, CA 92109

PROJECT DESCRIPTION: Coastal Development Permit for the remodel, garage conversion, garage addition and second story addition to an existing single dwelling unit for a total 3,697-square-feet and the construction of a new Companion Unit of 1,151-square-feet for a total area of 4,849-square-feet of construction. The project site is located at 3535 Promontory Street (APN 423-502-0600) in a RS-1-7 zone, in Council District 2 within Pacific Beach Community Plan (PBCP) area in the Coastal Overlay Zone (Non-Appealable Area 2), and the Coastal Height Limit Overlay Zone. The site is in the Parking Impact Overlay Zone for Beach and Coastal and the Residential Tandem Parking Overlay Zone. The property sits on a 9,100 square foot (0.208-acre) site. It is in an area of the PBCP that is designated "Low Density", which have 5-9 residential dwelling units per acre.

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

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15303, New Construction. Section 15301 consists of minor additions to existing facilities. Section 15303 consists of construction and location of limited numbers of new, small facilities or structures. Since the proposed project is an addition to an existing residence and garage with a companion unit the exemptions are appropriate. Furthermore, the exceptions listed in Section 15300.2 do not apply.

DEVELOPMENT PROJECT MANAGER
MAILING ADDRESS:
PHONE NUMBER / EMAIL:

Derrick Johnson 1222 First Avenue, MS 501, San Diego, CA 92101-4153 (619) 446-5477 / DNJohnson@sandiego.gov On August 17, 2020 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 determinations 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 (August 31, 2020). During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the City Clerk must be filed by email or US Mail as follows:

- <u>Appeals filed via E-mail</u>: Send the appeal by email to <u>Hearings1@sandiego.gov</u>; your email appeal will be acknowledged within 24 hours. The <u>appeal application can be obtained here</u>. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be postmarked within 5 business days of the date the appeal is filed.
- 2) <u>Appeals filed via US Mail:</u> Send the appeal by US Mail to City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. Appeals filed by US Mail must have a United States Postal Service (USPS) postmark by the appeal deadline to be considered valid. The <u>appeal application can be obtained here</u>. You must separately mail the required appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be postmarked within 5 business days of the date the appeal is filed.

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

ATTACHMENT 7

NORTH PARK PLANNING COMMITTEE (NPPC)

Minutes: February 15, 2022; 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 Meeting ID: 987 0091 5525

Password ID: 150923

www.northparkplanning.org info@northparkplanning.org

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I. Parliamentary Items

1. Call to Order, Roll Call and Attendance Report (6:33 p.m.)

	Arash Kahvazadeh	Aria Pounaki	Basil Mournian	Steve Oechel	Daniel Molitor	Ginger Partyka	Jeff Olson	Jennifer Spencer	Jessica Ripper	Josh Bohannan	Marissa Tucker-Borequz	Matt Stucky	Peter Hill	Steve Billings	Tyler Renner
Attendance	X	X	X	X	X			X	X	X	X	X	Х		Х
Late															
Absences	-	1	-	-	-	2	2	1	-	2	1	1	1	1	2

12 in attendance

2. Modifications to the NPPC Agenda

- 1. Urgent Non-Agenda Action Items:
- 2. Consent Agenda
 - 1. Information Item- North Park Library Community Visioning Session Continued

MOTION: Request that the City work with the North Park Planning Committee to issue a request for proposals or qualifications from a partner to build a joint-use library facility combined with other uses, including potentially senior or affordable housing. Stucky/Kahvazadeh(5/0/0)

Public Comment:

<u>Stephen Schmal</u>: Feels it's premature to take this action. Likes the idea but doesn't think this is the way to go about it. Wants more public discussion and comment on the basic concept that's here. Afraid the committee is only seeking one approach instead of multiple approaches. Would like item pulled.

<u>Don Leichtling:</u> Agrees with previous speaker. We need to get this project out to the people of North Park before we take this to the City. Believes City will push it in a certain direction.

The item is pulled. Due to the busy agenda, the chair is reserving the conversation for another month's agenda.

3. Agenda: Adoption of the February 15, 2022 Agenda.

MOTION: To adopt the February 15, 2022 Agenda. Tucker-Borquez/Kahvazadeh(11-0-1)

Bohannan abstained due to upcoming resignation.

4. Minutes: Approval of the January 18, 2022 Minutes.

MOTION: To adopt the January 18, 2022 Minutes. Tucker-Borquez/Stucky (11-0-1)

Bohannan abstained due to upcoming resignation.

5. Treasurer's Report: \$1,148.47

6. Announcement Regarding Formal Complaint

Kahvazadeh shared a report with the Committee regarding the conclusion of the final complaint in continuation from the January Meeting. City Staff felt it would be in violation of the bylaws to consider removing a member of the committee given the time constraints/lack of formal complaint for the items being considered.

Public Comment

<u>Liz Saba</u>: Was concerned her evidence wasn't taken into consideration. Arash clarified that the City did not consider Jeff's use of @NPPlanning was not out of compliance with the brown act. Wants to understand if we can sanction Jeff.

<u>Claudia Flores:</u> Feels that NPPC members should not be bashing the community. That we should not boycott or destroy businesses.

<u>Pat Sexton:</u> Arash said that it should be reported in 90 days doesn't say it "must" or "will"—so feels the word should is debatable and should allow additional action.

<u>Don Lecihtling</u>: Wants to have bylaws changed to ensure that no one can speak for the board except for the chairman or someone the chairman appoints. Would make it easy or clear to prevent future issues.

<u>Judy Aboud</u>: Even though Jeff is not running she believes the board should take a stand and ensure that future board members know how to act. Finds his behavior unacceptable.

Board Comment

<u>Bohannan</u>. How much staff have we spent on this? 2. It's so weird how much time we spent on this issue on a personal vendetta.

<u>Stucky:</u> I agree with Pat said. We could have considered his removal, but on the record, I would not have supported it. We placed it on the agenda and is what we should be discussing.

<u>Kahvazadeh</u>: I'm not a lawyer, but based upon the recommendation of the city planner it did not appear that there was a way forward. He'll follow up to clarify the "should" part. But based upon our bylaws we should have still started an investigation for past behavior within 90 days, which we have not.

<u>Pounaki</u>: As per Arash's comments this is why we made this informational, rather than an action time.

7. Acceptance of Josh Bohannan's formal Resignation to add to agenda.

Bohannan has to resign due to working with Nathan Fletcher in the county. Discusses how amazing North Park is and how much he loves the community. Hopes we can move forward understanding the realities of the world and that we can move forward, expand, and accept change.

MOTION: To accept Josh Bohannan's resignation. Pounaki/Stucky (11-0-1)

Bohannan abstained due to upcoming resignation.

With Bohannan now gone there are now 11 voting members

II. Non-Agenda Public Comment: (6:50-7:15PM)

Limited to Items not on the Agenda and non-debatable. Two-minute maximum, Chair can award more time.

<u>Pat Sexton:</u> Reading a statement from Jim Green: Neighbors for Better San Diego is having a citizen's initiative to repel SB 9.

<u>Judy Aboud:</u> SONO is hosting a candidates form for the NPPC board. No invitations because we don't have the final list on who those candidates are. Form on Saturday March 5 from 9-11 am at the North Park Rec center at Idaho ST.

<u>Don Lecihtling</u>: Putting a lot of Get it Done requests. Thinks it's a good tool but wants to get a report form the City for all the Get it Dones' from North Park. Wants to see what the city is marking as "done" that hasn't been tended to.

- III. Announcements & Event Notices: Limited to One minute each. *none* (7:15 7:15 p.m.) *None scheduled.*
- IV. Elected Official & Planner Reports: Reports are limited to 2 Min Max(7:15-7:23 p.m.)

1. Aaron Burgess, Hon. Nathan Fletcher, SD Board of Supervisors Dist. 3, (619) 531-4936, <u>Aaron.Burgess@sdcounty.ca.gov</u>.

- 2. Kohta Zaiser, Hon. Todd Gloria, Mayor of San Diego, <u>ZaiserK@sandiego.gov</u>.
- 3. Christopher Vallejo. Toni Atkins, State Senate Dist. 39, 619-645-3133,
- 4. Ryan Darsey, Hon. Stephen Whitburn, City Council Dist. 3, (619) 236-6633 <u>RDarsey@sandiego.gov.5</u>.
- 5. Jeffrey Ryan, Planning Department, (619)235-5221 JTRyan@sandiego.gov
- 6. Chris Gris, Hon. Chris Ward, State Assemblymember, Christopher.gris@asm.ca.gov

V. Action Items: (7:23pm-8:30 p.m.)

1. Project No. 647229 – Map Waiver Request

Review a request for a subdivision map waiver for 3776 32nd Street. The project is a 5-unit townhome complex currently under construction. Each 3BR/3.5BA townhome measures 1500 square feet and has 2 car garages attached. Presenter: Mehran Saberi mehran@mayfaircommunities.com

Public Comment:

<u>Kate Callen</u>: Explains why a developer might want to apply for an apartment and then change it to a condo halfway though. Wants to be as an info item for us to discuss for folks to understand.

<u>Pat Sexton</u>: Happy to see trees and parking. Wants to know if ADA has elevator or confined to 1st floor and sales price.

Zac Bradt: Happy to see more home ownership opportunities in North Park

Renay Johnson: What is the asking price?

Mark Spitzer: 1. What is the lot size? 2. What is the total city fees, park fees, etc.?

<u>Kelly Davidson</u>: Same questions as Kate mentioned. Doesn't understand how this brings affordable housing. Curious on price.

Louise Russell: Why are you asking midway, why not at beginning? And also, what are the pros and cons to do one or the other.

Rammy Cortez: Support project. Promotes more starter families with 2, 3 bedroom homes.

Board Comments

Basil Mournian: Curious if side lawn shown in rendering is actual part of the plan. (It's not).

MOTION: To approve the map waiver for the project. Tucker-Borquez/Renner

Pounaki made friendly amendment made to include project number. Approved by Tucker-Borquez/Renner

Spencer made friendly amendment to include the longer version that the committee uses to approve map waivers.

Tucker-Borquez reject the amendment.

MOTION: To approve the map waiver for Project #696387. Tucker-Borquez/Renner (10-0-1)

Pounaki abstained due to conflict of interest with the property in question being within 500 feet of his property.

Tucker-Borquez left, now 10voting members. (Daniel M taking over Sec duties)

2. March 2022 NPPC Election Procedure

In preparation for the March 2022 NPPC election, the Election Subcommittee has assembled an election procedure which complies with the updated NPPC bylaws. Presenters will review the election procedure as well as the voter registration mechanism. Presenters: Peter Hill, Aria Pounaki, Jennifer Spencer, Pat Sexton, Bob LaRose

Peter: went over the new procedures and mechanism.

Aria: noted that TypeForm website will be used in lieu of Google to collect voter registration information over the web.

Jennifer: shared in the information brochure and notes the forthcoming amendment of website from Google to Typeform as well as candidate information.

Aria: announced election vendor this year will be ElectionBuddy; previewed registration email, sample ballot, and voting process; demonstrated online registration process

Public Comment:

<u>Claudia F:</u> Is registration and eligibility form the same thing? Do we need to do both? (Aria: No, only the registration form is necessary)

<u>Marty Graham</u>: Disqualifying ballots; what are the rules, aside from not eligible? (Matt S: easiest way to get ballot dq'd is to vote for >8 people; if ballot eligibility is in question, Election Subcommittee will try to ascertain voter intent and count vote, but will discard if intent unclear)

<u>Pat Sexton:</u> We tried to think of every possible scenario, so it all runs smoothly; I commend Aria, Bob, and Jen for their computer work; Registration and eligibility form – people have to fill those out to get a ballot, right? (Aria: yes for online ballot, same-day registration available at the inperson events)

<u>Victor T:</u> As a candidate, option to electronically submit eligibility form? Is it same form or different form? (Aria: eligibility form is from years past; trying to move to electronic forms paper/writing vagaries and missing online ballots; subcommittee will verify eligibility and if in question can qualify a voter with four fifths vote; folks have been voluntarily sending in eligibility form from years past. Pat S: new system replaces old eligibility form, will be necessary to receive online ballot)

Board Comment:

<u>Steve O:</u> is our mailing address input free-form? If someone screws up input will that disqualify them? (Aria: no, we will rely on ID for that)

<u>Matt S:</u> Do election windows need to be the same? Also, window says ends on 3/14, but what time? Bylaws also says no ballots to be counted ahead of time, but will candidates be able to see votes ahead of time? (Aria: total votes only)

<u>Steve O:</u> changing vote type? (Aria: I will need to check if there is a way to track who has completed their vote online)

<u>Jessica</u>: I move to approve the election rules as established by the Elections Subcommittee for the election on March 15, 2022

Tyler Renner: I second

Peter Hill: It may be appropriate for us to abstain if we were on the committee

<u>Matt S</u>: brought up need for some amendments and voting no, vote aborted in favor of more discussion.

Board Debate results in the motion being withdrawn.

Basil: change from action item to info item? (Aria: yes)

VI. Information Items (8:30 – 9:30 p.m.)

1. Candidate Statements

Candidates who have volunteered to run for the 2022 March Election will have an opportunity to give a two-minute statement so the community will have an opportunity to learn about them ahead of the March election. Presenters: Various

Daniel Molitor Basil Mournian Lynn Elliott Claudia Flores Victor Torres Kate Callen Kenny Bedoya Zaccary Bradt Mark Spitzer Michael Palmer Steve Oechel Chase McConnell Jessica Ripper Marissa Tucker-Borquez

2. Community Planning Group Reform Update

Councilmember Joe LaCava has proposed reforms to the Community Planning Group ordinances. A recent draft of the proposal has been released, the community will learn about the newest version of the proposal. Presenter: Matt Stucky

Public Comment

<u>Paul Jamason</u>: How to improve understanding among renters? They are actively deprived of a voice in many places

<u>Pat Sexton:</u> Would hate to see city stop CPGs, would give them carte blanche and us no say Steve O: Seems like a lot of cons and not a lot of pros

(Matt gives response)

MOTION: Move to adjourn without going over reports due to time. Pounaki/Tucker-Borquez (10-0-0)

(Jessica R absent)

VII. NPPC Reports – SKIPPED PER MOTION

1. Chair's Report.

2. **Subcommittee Reports:** : (Limited to Items Not on the Agenda & 5 Min. Max. each)

1. Urban Design/Project Review (Tyler Renner, Chair): Next Meeting March 7, 2022, Zoom.

- 2. Public Facilities & Transportation (Arash Kahvazadeh, Chair): Next Meeting March 8, 2022, Zoom.
- 3. Liaisons Reports: Limited to 1 Min. Max per Report
 - 1. Balboa Park Committee. Howard Blackson
 - 2. Maintenance Assessment District. Matt Stucky.
 - 3. North Park Main Street. Steve Billings.
 - 4. Adams Avenue Business Association.
 - 5. El Cajon Boulevard Business Improvement Assoc. Daniel Molitor.
 - 6. North Park Community Association. Peter Hill.
 - 7. University Heights Community Association. Tyler Renner
 - 8. CPC. Aria Pounaki

VIII. Future NPPC Meeting Dates & Agenda Items: Next meeting is Tuesday, March 15, 2022 - 7PM

IX. Adjournment (9:36 p.m.)

- •**For more info on any project, enter the SD Development Services PTS number in "Project ID" at https://opendsd.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

ATTACHMENT 8



City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000

Ownership Disclosure Statement DS-318

October 2017

Neighborhood Development Pe		I: □ Neighborhood Use Permit □ Coa I Planned Development Permit □ Cor se Plan Amendment • □ Other	
Project Title: Point North Park		Project No. For	City Use Only:
Project Address: 3776 32nd Street	an Diego, CA 92104		
Specify Form of Ownership/Lega	ll Status (please check):		
Corporation 🛚 Limited Liability	-or- 🛛 General – What State? Calif	Corporate Identification No.	
🗆 Partnership 🗅 Individual			
with the City of San Diego on the owner(s), applicant(s), and other f individual, firm, co-partnership, jc with a financial interest in the ap individuals owning more than 100 officers. (A separate page may be ANY person serving as an office A signature is required of at leas notifying the Project Manager of ownership are to be given to the	e subject property with the intent inancially interested persons of the int venture, association, social club plication. If the applicant includes & of the shares. If a publicly-owne attached if necessary.) If any pers r or director of the nonprofit org t one of the property owners. Att any changes in ownership during	vledge that an application for a permi to record an encumbrance against th e above referenced property. A finam, o, fraternal organization, corporation, a corporation or partnership, include d corporation, include the names, title on is a nonprofit organization or a tru anization or as trustee or beneficia cach additional pages if needed. Not the time the application is being pro- s prior to any public hearing on the so in the hearing process.	he property. Please list below the cially interested party includes any estate, trust, receiver or syndicate the names, titles, addresses of all es, and addresses of the corporate st, list the names and addresses of ry of the nonprofit organization. e: The applicant is responsible for essed or considered. Changes in
Property Owner			
Name of Individual:	North PARK		enant/Lessee 🛛 Successor Agency
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Print Nome FINANCIALLY RESPONSIBLE PARTY E-mail: Singer State: Zip Code: 7851 Mission Center Ct., Ste. 200 Sity: State: Zip Code: Pelephone: Fax No.: San Diego CA 92108 614-200-7775 614-391-3602 Financially Responsible Party Declaration: I understand that City expenses may exceed the estimated advance deposit and when requested by the City of San Diego will provide additional funds to maintain a positive balance. The trust account, unless the City of San Diego will provide additional funds to maintain a positive balance in the trust account, unless the City of San Diego will provide additional funds to maintain a positive balance in the trust account, unless the City of San Diego will provide additional funds to maintain a positive balance. In the trust account, unless the City of San Diego will provide additional funds to maintain a positive balance in the trust account, unless the City of San Diego approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested advance deposit is received. Internal Order No.:	SD	City of San Diego Development Services Attn: Deposit Accounts (619) 446-5000	Deposit Ac F	count/Fin lesponsib		FORM DS-3242 February 2020
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Deposit Trust Fund Account Information: A deposit into a Trust Fund account with an initial deposit to pay for the review, inspection and/or project management services is required. The initial deposit is drawn against to pay for these services. Deposit Trust Fund Account Information: A deposit into a Trust Fund account, with an initial deposit is drawn against to pay for these services. International deposits are necessary to maintain a minimum balance. The payment of the invoice will be required in order to continue processing your project. At the end of the project, any remaining funds will be returned to the Financially Responsible Party. Point Actific Fact (L): FINANCIALLY RESPONSIBLE PARTY information. E-mail: Samolegio State: Zip Code: Samolegio CA: Zip Code: Optimize Trust Fund Account may be allowed additional funds to maintain a positive balance. Further, the sale or other disposition of the project of Sam Diego payroves a Change of Responsible Party and transfer of funds. Should the account any stop until the requested advance deposit is received. This is a continuation of existing Project No:: Internal Order No:: NOTE: Using an existing opened account may be allowed when: 1. Same location for both projects; Ro Projects; and 2. Same degions process (Ministerial and discretionary projects may not be combined); Same project manager is managing both projects; and 2. Same degions process (Ministerial and discrectionary projects may not be combined); Same proje			-		N	
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DS-3242 (02-20)



ATTACHMENT 10