

RESOLUTION NUMBER R- 306406
DATE OF FINAL PASSAGE NOV 30 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO APPROVING TENTATIVE MAP NO. 41097 FOR
THE VISTA LANE VILLAS PROJECT, PROJECT NO. 17917.

WHEREAS, Igal Gordon, Subdivider, and Callu Engineering, Inc., Engineer, submitted an application to the City of San Diego for Tentative Map No. 41097 to construct 38 condominiums in 19, two- story buildings and to waive the requirement to underground existing offsite overhead utilities. The project site is located 3481, 3501 and 3509 Vista Lane in the RM-1-1 Zone in the San Ysidro Community Planning area. The property is legally described as Lots A 229, A 230 and A 231 of Addition No. 5 to San Ysidro Map No. 1405; and

WHEREAS, the Map proposes the subdivision of a 2.88 acre site into one lot for residential condominiums; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1350 and is filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 38; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the Tentative Map involves a short span of overhead facility (less than a full block in length) and the undergrounding would represent an isolated with a minimum probability of extension in the future; and

WHEREAS, under Charter section 280(a) (2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on NOV 30 2010, the City Council of the City of San Diego considered Tentative Map No. 41098, including a waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0444, and 144.0240 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 City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 41098:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)). The proposed project is for a multi-family residential development on a 2.88 site located at 3481, 3501 and 3509 Vista Villa Lane within the San Ysidro Community Plan area. The proposed uses shown on Tentative Map No. 41097 are for 38 multi-family condominium units. The proposed development is consistent with the policies, goals and objectives of the General Plan and San Ysidro Community Plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)). The project proposes a Tentative Map to create 38 residential condominiums on a 2.88 site located at 3481, 3501 and 3509 Vista Villa Lane. The site is zoned RM-1-1 (multi-family). City staff has reviewed the proposed project in accordance with the RM-1-1 zone and has determined that the proposed development complies with the applicable zoning and development regulations of the Land Development Code. No deviations or variances are requested.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The subject 2.88 site is located at 3481, 3501 and 3509 Vista Villa Lane. The relatively flat site is physically suitable for the proposed 38 residential condominiums. The proposed multi-family development is also suitable for the site because it is consistent with the character of the surrounding neighborhood of single and multi-family, one and two story dwelling units.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). The proposed Tentative Map was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, Subdivision Map Act and Land Use Policies. The Tentative Map included a review for compliance towards storm water runoff requirements during and after construction. The project is located within an urbanized built up environment where there is no watercourses on site and would therefore, not impact any fish or their habitat. Additionally, mitigation measures contained in Mitigated Negative Declaration No. 17917 regarding archaeology monitoring and transportation are required for the project. Archaeological and Native American monitoring be present during initial excavation activities to inspect for in-situ cultural resources. For transportation, prior to the issuance of the first building permit, the Owner/Permittee shall provide a fair-share contribution of 34.7 percent of the cost to construct a traffic signal at Dairy Mart Road and Vista Lane, satisfactory to the City Engineer. This fair-share contribution shall be placed in a separate interest bearing account. Because of conditions applied o the project, the subdivision will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Tentative Map includes conditions and corresponding exhibits of approvals relevant to undergrounding new utilities, storm water and construction water runoff, public improvements, street lighting standards, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. Therefore, the subdivision will continue to abide to all Federal, State and Local codes administering the Tentative Map. 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The proposed subdivision would maintain existing easements, and as required, improve the existing public rights-of-way as identified on Tentative Map No. 41097. Therefore, the design of the subdivision and proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The site has an east-west street layout which would allow for maximum solar orientation, thereby maximizing sun exposure for future potential solar panels. The site is providing broad headed evergreen trees as a street tree within the front yard to provide for passive cooling. The site is also adjacent to mature, trees and is located outside the Coastal Zone where extremities in temperature are rare. Therefore, the project would not impact 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The proposed project would replace three residential structures with 38 residential condominiums. The project would not result in substantial population growth or the need for new infrastructure other than improvements necessary to connect into existing systems. The associated Mitigated Negative Declaration No. 17917 for the project concluded that existing fire, police, schools, and parks facilities are adequate to serve the proposed subdivision. However, mitigation to Transportation/Circulation was identified in order to reduce potential impacts to below a level of significance. The mitigation requirement is for the installation of a traffic signal at the corner of Dairy Mart Road and Vista Lane. Therefore, the effects of the proposed subdivision on the housing needs of the region will be 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; and

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 41097, is hereby granted to Igal Gordon, Subdivider, and Callu

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Andrea C. Dixon
Deputy City Attorney

ACD:cw
11/9/2010
Or.Dept:DSD
Prolaw#2010-03417

CONDITIONS FOR TENTATIVE MAP NO. 41097

VISTA LANE VILLAS - PROJECT NO. 17917

ADOPTED BY RESOLUTION NO. R- 306406 ON NOV 30 2010

GENERAL

1. This Tentative Map will expire on 11/30/13.
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 Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, 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 Final Map shall conform to the provisions of Site Development Permit No. 76024.
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 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.

AFFORDABLE HOUSING

6. Prior to recordation of the Final Map, the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 142.1301 et seq.) by paying an in-lieu fee OR by entering into an Agreement with the San Diego Housing Commission, to ensure payment of the in-lieu fee no later than the close of escrow of the first unit sold within a condominium conversion project.

ENGINEERING

7. The subdivider shall close the existing non-utilized driveways with City standard curb, gutter and sidewalk, on Vista Lane, per Standard Drawing G-2 and SDG-100.
8. The subdivider shall construct two 25-foot wide City standard driveways, on Vista Lane, per Standard Drawing G-14A, G-16 and SDG-100.
9. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drain, landscape and irrigation locate in Vista Lane right-of-way and in the public easements.
10. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance.
11. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
12. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
13. Providing drainage improvements for this subdivision is dependent upon the construction of downstream private and public drainage systems which consists of the construction of private storm drain pipes in Mission Villas, PTS No. 62514 and Blackshaw Lane Villas, PTS No. 62524, the construction of new public storm drains and their appurtenances in Blackshaw Lane and upsizing the existing downstream 24-inch storm drain pipe from Blackshaw Lane to the outlet.
14. If they have not been constructed when required for this subdivision, then the construction of these downstream drainage systems, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
15. The drainage system proposed for this subdivision is private and subject to approval by the City Engineer.
16. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
17. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal

Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

18. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
19. A Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
20. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

MAPPING

21. "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].
22. "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."
23. The Final Map 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 Third Order accuracy or better. 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.

WASTEWATER

24. The developer will be required to install all sewer facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
25. All proposed on-site sewer facilities shall be private.
26. All off-site sewer facilities traversing neighboring properties shall be "private" and in "private easements". The developer shall obtain the consent of neighboring property-owners for granting "private easements" to this development. Evidence of proper documentations for granting of the "private easements" shall be presented to the City of San Diego and referenced on the Tentative Map.
27. The developer shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
28. All private 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.
29. The developer will be required to provide evidence, satisfactory to the Metropolitan Wastewater-Department Director, indicating that each condominium will have its own sewer lateral or provide CC & R's for the operation and maintenance of on site and off-site private sewer facilities.

WATER

30. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
31. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities shall be modified at final engineering to comply with standards.

GEOLOGY

32. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

LANDSCAPE:

33. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvements plans shall take indicate an area equal to 40 square feet around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
34. Prior to issuance of any grading permits or building permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the Development Services Department, Development and Environmental Planning Division for approval. The plans shall be in substantial conformance to Exhibit "A", on file in the office of the Development Services.
35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.
36. All required landscape material located in the public right-of-way and in common areas shall be permanently maintained by the Vista Lane Homeowner's Association. All landscape in the fenced private yards shall be permanently maintained by the individual homeowners. All required landscape shall be maintained in a disease, weed and litter tree condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
37. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

INFORMATION:

- The approval of this Tentative Map by the City Council 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 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, may protest the imposition within ninety days of the approval of this Tentative Map 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).