

(E) 338  
(R-2011-491)  
11/30

RESOLUTION NUMBER R- 306407

DATE OF FINAL PASSAGE NOV 30 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO SITE DEVELOPMENT PERMIT NO. 76024 FOR  
THE VISTA LANE VILLAS – PROJECT, PROJECT NO. 17917.

WHEREAS, Igal Gordon, Owner/Permittee, filed an application with the City of San Diego for Site Development Permit No. 76024 to construct 38 residential condominiums in 19 two-story buildings known as the Vista Lane Villas project, located 3481, 3501 and 3509 Vista Lane in the RM-1-1 zone within 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, on September 9, 2010, the Planning Commission of the City of San Diego considered Site Development Permit No. 76024 and pursuant to Resolution No. PC-\_\_\_\_\_ voted to recommend City Council approval of the permit; 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on NOV 30 2010, 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP No. 76024:

**A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504**

**1. Findings for all Site Development Permits SDMC section 126.0504(a).**

a. The proposed development will not adversely affect the applicable land use plan. The 2.88-acre site is located at 3481, 3501 and 3509 Vista Lane within the San Ysidro Community Plan area and is designated for Low Medium Residential Density (10 -15 dwelling units/acre) and is zoned RM-1-1 (multi-family). The site is relatively flat site and is currently occupied by three single family homes and several sheds. The site is surrounded by one and two story-single and multi-family residences.

The project proposes to demolish the three residential buildings and several sheds followed by construction of 38 residential condominiums in 19 two-story structures containing four bedrooms each with two-car garages. The proposed development will not adversely affect the applicable land use plan because the project conforms to the land use designation for the site in the San Ysidro Community Plan. Further, the proposed development would also implement the goals and objectives of the General Plan by providing infill housing at the low-medium density range within the San Diego region, at a time when the City of San Diego is searching for areas that accommodate additional residential units.


b. The proposed development will not be detrimental to the public health, safety, and welfare. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Site Development Permit and Tentative Map for the project includes conditions and corresponding exhibits of approvals relevant to undergrounding new utilities, storm water and construction water runoff, public improvements, street lighting standards in order to achieve compliance with the regulations of the San Diego Municipal Code. Further, all structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures meet or exceed the current regulations. Therefore, the proposed project to construct 38 residential condominiums in 19 two-story structures at 3481, 3501 and 3509 Vista Lane will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The 2.88-acre site located at 3481, 3501 and 3509 Vista Lane within the San Ysidro Community Plan is zoned RM-1-1 (multi-family). The proposed construction of 38 residential condominiums in 19 two-story structures will comply with the applicable regulations of the Land Development Code for the RM-1-1 zone. No variances or deviations are requested.

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 the recommendation of the Planning Commission is sustained, and Development Permit No. 76024 is granted to Igal Gordon, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: 

Andrea Conteras Dixon  
Deputy City Attorney

ACD:cw  
11/09/10  
Or.Dept:DSD  
PL#2010-03417

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501**

**WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23421090

**SITE DEVELOPMENT PERMIT NO. 76024  
VISTA LANE VILLAS PROJECT NO. 17917 (MMRP)  
CITY COUNCIL**

This Site Development Permit No. 76024 is granted by the City Council of the City of San Diego to Igal Gordon, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0504. The 2.88 acre site is located 3481, 3501 and 3509 Vista Lane in the RM-1-1 zone within 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.

Subject to the terms and conditions set forth in this Permit, permission is granted to Igal Gordon, Owner/Permittee to demolish three residential buildings and several sheds and to construct 38 residential condominiums in 19, two-story structures containing four bedrooms each with two-car garages described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated NOV 30 2010, on file in the Development Services Department.

The project shall include:

- a. Demolish of three residential buildings and several sheds;
- b. Construction of 38 residential condominiums in 19 two-story structures containing four bedrooms each with two-car garages;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site

in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 17917, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 17917, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology) and Transportation

**AFFORDABLE HOUSING REQUIREMENTS:**

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.) by paying an in-lieu fee.

**ENGINEERING REQUIREMENTS:**

16. This Site Development Permit shall conform to the provision of Tentative Map No. 41097.

**LANDSCAPE REQUIREMENTS:**

17. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet area 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.

18. 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.

19. 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.

20. 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 free 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.

21. 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.

**PLANNING/DESIGN REQUIREMENTS:**

22. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

23. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

24. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

25. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**TRANSPORTATION REQUIREMENTS:**

26. No fewer than 76 garaged automobile parking spaces and 35 guest parking spaces (including 1 standard accessible and 1 van accessible parking space), and 4 motorcycle parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

27. No fewer than 3 on-street parking spaces, with dimensions complying with the City's Land Development Code, must be available abutting the subject property.



28. Prior to the issuance of the first building permit, the applicant shall assure by permit and bond the replacement of all abandoned driveways along its frontage on Vista Lane with full height curb, gutter, and sidewalk, satisfactory to the City Engineer.

29. 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.

**WASTEWATER REQUIREMENTS:**

30. The developer will be required to install all sewer facilities, as required by the accepted sewer study, necessary to serve this development.

31. The developer shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

32. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one lot.

33. Private underground sewer facilities shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

34. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

35. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director and the City Engineer.

36. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director and the City Engineer.

37. The Owner/Permittee 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. Public water facilities shall be modified at final engineering to comply with standards.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit.

APPROVED by the City Council of the City of San Diego on NOV 30 2010, by  
Resolution No. 306407.

R- 306407

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Patricia Grabski  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owners/Permittee hereunder.**

Igal Gordon, Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**