

RESOLUTION NUMBER R- 306412

DATE OF FINAL PASSAGE NOV 30 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING THE TENTATIVE MAP NO. 228626 FOR MISSION VILLAS, PROJECT NO. 62514.

WHEREAS, San Ysidro Investment Co. Inc., Subdivider, and Bruno B. Callu, Engineer, submitted an application to the City of San Diego for a tentative map for the construction of 14 residential condominiums (Map), and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3515 and 3521 Vista Lane within the RM-1-1 zone within the San Ysidro Community Plan. The property is legally described as Lot A-227 and A-228 of Addition No. 5 to San Ysidro, in the City of San Diego, County of San Diego, State of California, according to amended map thereof No.1405, filed in the office of the County recorder of San Diego County, January 2, 1912; and

WHEREAS, the Map proposes the Subdivision of a 1.92 acre site into a two lot subdivision to create 14 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 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 14; 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 Map involves only a short span of overhead facility (less than 600 feet in length); and

WHEREAS, on NOV 30 2010, the City Council of the City of San Diego considered Tentative Map No. 228626, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440 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;

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; 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. 228626:

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 project proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

The project proposes to demolish the one residential building followed by construction of 14 residential condominiums to include two-story structures containing four bedrooms each with two-car garages. The proposed development will not adversely affect the applicable land use plan as 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.

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 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

City staff has reviewed this project in accordance with the RS-1-7 and OR-1-1 zone and have determined that the proposed development 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 (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The project proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

The site is relatively flat and contains two residential structures. Surrounding the site are existing single and multi-family dwelling units conducive to the proposed development of 14 units. The site has been reviewed by San Diego City staff for compliance to future occupancy in accordance with this Final Map application. Therefore, the site is physically suitable for the type and density of the development.

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 project proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

Minor land modifications are proposed with this Tentative Map. The project proposes to rough grade the entire site with a maximum fill depth of 6-feet with a total of 478 cubic yards of cut and 273 cubic yards of fill. The Tentative Map was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, 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 not impact fish or their habitat. Mitigation measures in accordance with Mitigated Negative Declaration No. 17917 regarding archaeology monitoring and transportation are required for the project to include Archaeological

and Native American monitoring be present during initial excavation activities to inspect for in-situ cultural resources. Therefore 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 proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

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 Map Waiver. 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 project proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

The proposed subdivision would maintain existing and proposed easements, and as required, improve the existing public rights-of-ways as identified on Tentative Map No. 228626. 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

The proposed Tentative Map has been reviewed with the latest requirements implementing strict environmental requirements. The site has an east-west street layout which allows for maximum solar orientation, thereby maximizing sun exposure for future potential

solar heating 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 adjacent to mature; tall trees and is located just 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).

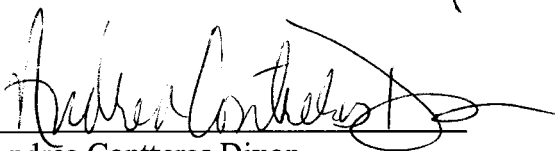
The project proposes a Tentative Map to create 14 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1, and a Site Development Permit located at 3515 and 3521 Vista Lane within the San Ysidro community plan.

The proposed project would replace previously existing residences with a development of higher density. Where there would be an increase in density, contingent with the approval of the Community Plan Amendment and Rezone, the project would not result in substantial population growth or the need for new infrastructure other than that necessary to connect into existing systems. The associated Mitigated Negative Declaration (MND) 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. Mitigation requirements include 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.228626 is hereby granted to San Ysidro Investment Co. Inc., subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw  
11/08/10  
Or.Dept:DSD  
R-2011-469  
PL#2010-03411

CITY COUNCIL  
CONDITIONS FOR TENTATIVE MAP NO. 228626,  
MISSION VILLAS, PROJECT NO. 62514

ADOPTED BY RESOLUTION NO. R-306412 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. 774367.
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 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

7. The subdivider shall close the existing driveway and construct a City Standard 25-foot wide driveway, serving lot 2 on Vista Lane, per Standard Drawing G-14A, G-16 and SDG-100.
8. The subdivider shall replace the existing two driveways with the same width City standard driveways, serving lot 1 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 landscape and irrigation locate in Vista Lane right-of-way.
10. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
11. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices 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 Best Management Practices (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 Vista Lane Villas, PTS# 17917 and Blackshaw Lane Villas, PTS# 62524, and the construction of new public storm drains and their appurtenances in Blackshaw Lane to the existing curb inlet at the end of the cul-de-sac. 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.
14. The drainage system proposed for this subdivision is private and subject to approval by the City Engineer.
15. 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.
16. 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 Constmction 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.

17. 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.

### TRANSPORTATION

18. Prior to the recordation of the final map, the subdivider shall provide a fair-share contribution of 34.7 percent of the cost to constmct 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.

### MAPPING

19. "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].
20. "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."
21. 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 tme 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**

22. All proposed sewer facilities shall be private.
23. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.
24. All proposed onsite sewer facilities must meet standard slope and velocities per the City of San Diego's Sewer Design Guide or the developer shall pump this site's flow to the adjacent existing public sewer main in Blackshaw Lane.
25. All proposed onsite sewer facilities serving this lot shall meet standard slope and velocities per the City of San Diego's Sewer Design Guide or the developer shall pump this site's flow to the adjacent existing public sewer main in Vista Lane.
26. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
27. The developer shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.

### **WATER**

28. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond the design and construction of a 12-inch diameter water main within a 25' (Min.) water easement. The water main must be connected with 12"x12" tee and 3 valves to the existing 12-inch diameter water main in Vista Lane right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
29. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
30. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of any new water service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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. Public water facilities, and associated easements, as shown on approved Exhibit "A" 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. Improvement 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. 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, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Final Landscape Inspection.

### 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).

Internal Order No. 23424007