

RESOLUTION NUMBER R- 306413

DATE OF FINAL PASSAGE NOV 30 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SITE DEVELOPMENT PERMIT NO. 774637 FOR MISSION VILLAS, PROJECT NO. 62414.

WHEREAS, San Ysidro Investment Co. Inc., Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit No. 774637 to construct 14 residential condominiums known as the Mission Villas project, located at 3515 and 3521 Vista Lane, and 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 in the San Ysidro Community Plan area, in the RM-1-1 (previously referred to as the R-3000); and

WHEREAS, the matter was set for public hearing on NOV 30 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 Site Development Permit (SDP) No. 774637:

SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The 1.52-acre site is located at 3515 and 3521 Vista Lane within the San Ysidro Community Plan area and is designated for Low Density Residential (5-10 dwelling units/acre) and is zoned RM-1-1 (multi-family). The site is relatively flat site and is currently occupied by two single family homes. The site is surrounded by one and two story-single and multi-family residences. 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 development will not be detrimental to the public health, safety, and welfare. The 1.52-acre site is located at 3515 and 3521 Vista Lane within the San Ysidro Community Plan area and is designated for Low Density Residential (5-10 dwelling units/acre) and is zoned RM-1-1 (multi-family). A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact to Transportation and Archaeological Resources. Because mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP), the project now avoids or mitigates any potentially significant environmental impacts to archaeological resources and Transportation in accordance with the California Environmental Quality Act. The permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code and California Building Codes for minor grading and construction. Conditions required for the project include but are not limited to storm water and general runoff requirements, landscaping, public improvements, private sewer facilities and parking. Therefore, the proposed project will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The 1.52-acre site is located at 3515 and 3521 Vista Lane within the San Ysidro Community Plan area and is designated for Low Density Residential (5-10 dwelling units/acre) and is zoned RM-1-1 (multi-family). The project has been reviewed by City of San Diego staff who determined the project is consistent with the development regulations of the city RM-1-1 zone and all other pertinent regulations of the Land Development Code (LDC) which includes setbacks, height, grading, landscaping and architectural design. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

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 SDP Permit No. 774637 is granted to San Ysidro Investment Co. Inc., 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 Contreras Dixon
Deputy City Attorney

ACD:cw
11/08/10
Or.Dept:DSD
R-2011-472
PL#2010-03411

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 424006

SITE DEVELOPMENT PERMIT NO. 774637
MISSION VILLAS, PROJECT NO. 62414
CITY COUNCIL

This Planned Development Permit. is granted by the City Council of the City of San Diego to San Ysidro Investment Co. Inc., Owner, and Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0602 and 143.0401. The 1.52 acre site is located at 3515 and 3521 Vista Lane in the RM-1-1 zone of the San Ysidro Community Plan. The project site 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.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to constmct 14 residential condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated NOV 30 2010, on file in the Development Services Department.

The project or facility shall include:

- a. The constmction of 14, 4-bedroom residential condominiums;
- b. Demolition of one residential stmcture;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-stteet parking facilities;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Enyironmental Quality Act Guidelines, public and

private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Constmction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the constmction, 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 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant mnnng with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and 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 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 applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in

substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

11. As conditions of the Planned Development Permit No.186100 and Tentative Map No. 228626, the mitigation measures specified in the MMRP, and outlined in the Environmental Document NO. 62514 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Environmental Document, LDR NO. 62514 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources: Archaeological
Transportation

PLANNING/DESIGN REQUIREMENTS:

13. 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 constmction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be home by the Owner/Permittee

14. 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.

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

16. The Site Development Permit shall conform to the provisions of Tentative Map No. 228626

TRANSPORTATION REQUIREMENTS:

17. No fewer than 28 garaged automobile parking spaces, 4 guest parking spaces (including 1 van accessible parking space), and 1 motorcycle parking space 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 Development Services Director.

18. 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 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.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any constmction permits for buildings; the Permitree or Subsequent Owner shall submit complete landscape and irrigation constmction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The constmction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

20. Prior to Final Inspection, it shall be the responsibility of the Permitree or Subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

21. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

22. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

23. 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.

WASTEWATER REQUIREMENTS:

24. All proposed sewer facilities shall be private.

25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all sewer facilities necessary to serve this development, satisfactory to the Metropolitan Wastewater Department Director.

26. Prior to the issuance of any engineering permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities installed in or over the public right of way.

27. The Owner/Permittee 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.

28. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

29. 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 Director of Public Utilities and the City Engineer.

30. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide, satisfactory to the Director of Public Utilities, CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.

31. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

32. 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 Director of Public Utilities and the City Engineer.

33. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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.

APPROVED by the City Council of the City of San Diego on NOV 30 2010 by
Resolution No. R-306413.

**AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT**

William Zounes
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
Owner/Permittee hereunder.**

**SAN YSIDRO INVESTMENT CO. INC.
Owner/Permittee**

By _____

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