

RESOLUTION NUMBER R- 310987

DATE OF FINAL PASSAGE MAR 07 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SITE DEVELOPMENT  
PERMIT NO. 1867450 FOR GUYMON STREET PARK 495796  
AND HORTON ELEMENTARY SCHOOL JOINT USE 495774  
PROJECT.

WHEREAS, the City of San Diego, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit for development on Environmentally Sensitive Lands to allow construction of a proposed pocket park and facilitate 1.6 acres of improvements known as the Guymon Street Park/Horton Joint Use project, located at 4990 Guymon Street and is legally described Lot 1, Lot A-1 thru A-41 of Guymon Arms, the open space easements, water easements, and drainage easements granted to the City that was recorded as Document No. 80-290854, recorded January 9, 1981 in the Encanto Community Plan area, in the OP-1-1 zone, and City Council District 4.

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, the matter was set for public hearing on March 7, 2017, 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 No. 1867450:

**SITE DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0504**

**Findings for all Site Development Permits:**

**1. The proposed development will not adversely affect the applicable land use plan.** The Encanto Community Plan's land use classification identifies the subject site as a population-based park to provide for areas designated for passive and active recreational uses, such as community parks and neighborhood parks. The proposed development consists of a 0.86 acre public pocket park and a 1.6 acre multi-purpose natural turf field with a six foot wide decomposed granite walking track for joint use between the City of San Diego and Horton Elementary School. The proposed project will enhance the community and implement the community plan by providing additional recreational opportunities by developing a public population-based park on the southwest corner of the parcel and a multi-purpose natural turf field enclosed by a chain link fence on the northeastern portion of the project site for the joint use for the public and children attending Horton Elementary School. The development will provide park and open space facilities to meet the objective of the City's Recreational Element and will not adversely affect the land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development consisting of a .86 acre public pocket park and 1.6 acre multi-purpose natural turf field. The pocket park and the joint use area will provide recreational opportunities to students and residents of all ages and will promote active/healthy recreational opportunities. Therefore the development will not be detrimental to the public health safety and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The proposed development is located within the OP-1-1 (Open Space-Park) Base Zone. The proposed development consisting of a .86 acre pocket park and 1.6 acre multi-purpose natural turf field is a permitted use within the base zone and will comply with the requirements set forth by the San Diego Municipal Code. In addition, the Site Development Permit required for development within Environmentally Sensitive Lands for sensitive biological resources and the conditions of approval will ensure consistency with the City's Biology Guidelines. The project as proposed will not have any deviations from the City's Land Development Code and complies with all applicable regulations.

**Supplemental Findings – Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes to construct a .86 acre pocket park and a 1.6 acre multi-

purpose natural turf field within environmentally sensitive lands and previously disturbed habitat. The parcel is surrounded by residential development and a school. In accordance with the SDMC and City's Biology guidelines, a Biological Technical Report was prepared and reviewed by the City's Environmental Analysis Section. The Site Development Permit requires compliance with various conditions, including compliance with the mitigation measures within the Mitigation, Monitoring, and Reporting Program (MMRP) to mitigate impacts below the established significant threshold under the California Environmental Quality Act. Therefore, the project would result in minimal disturbance to environmentally sensitive lands and will have no direct impacts to the federal, state, or City's jurisdictional wetland and/or wetland buffer.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The construction of the .86 acre public pocket park and a 1.6 acre multi-purpose natural turf field will require the issuance of a building, electrical, mechanical, and grading permit. The site is relatively flat and will not require significant grading or fill. Therefore, the project will be designed in compliance with all applicable regulations including, but not limited to, storm water, grading, landscaping, fire, building, geology, and zoning to ensure that the project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The development of the .89 acre public pocket park and a 1.6 acre portion of a multi-use facility will be sited and designed to prevent adverse impacts to environmentally sensitive lands. The project will obtain a Site Development Permit for work within sensitive upland habitat and will have no direct impacts to the nearby wetland vegetation and/or wetland buffer. As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to the proposed project. The project's Mitigation and Monitoring Program was designed to mitigate the project's impact to biological and will require monitoring for biological resources to prevent adverse impacts. Compliance with the conditions of the Site Development Permit and MMRP will minimize any adverse impacts on any adjacent environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The Multiple Species Conservations Program (MSCP) is a long-term regional plan established to protect special-status species and habitats in San Diego County. The project is not located within or adjacent to the MHPA preserve area of the City of San Diego Multiple Species Conservation Program. Therefore, the project would not result in direct or indirect impacts to the MHPA. Additionally, the project site is surrounded with developed residential and institutional (public school) uses.

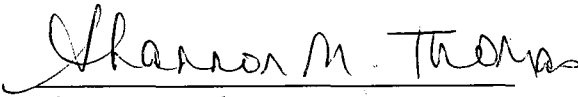
**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project is located inland, approximately 10 miles east from the Pacific Ocean, and is not located within the Coastal Overlay Zone. BMPs will be implemented to minimize erosion and runoff associated with the project. Accordingly, the project will not contribute to the erosion of public beaches or adversely impact local shoreline and supply.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The project would result in a total of 0.1 acre of permanent, direct impact to Diegan coastal sage scrub, a Tier II City of San Diego MSCP Subarea Plan upland habitat, outside of the MHPA. The impact to the Diegan coastal sage would require mitigation to reduce potential impacts to less than a significant level under CEQA. The project design and compliance with mitigation measures fully compensates the loss of habitat by revegetating the Diegan coastal sage onsite. Mitigation of environmental impacts from the proposed project also focuses on protection of wetlands, special status plant and wildlife species, as well as reducing erosion and preserving water quality. Therefore, all mitigation is reasonably related to and calculated to alleviate negative impacts created by the proposed project and is incorporated into the conditions of the SDP.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Site Development Permit No. 1767450 is granted to City of San Diego, Park and Recreation Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
02/10/2017  
Or.Dept: DSD  
Doc. No.: 1434750

Attachment: Site Development Permit

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

**WHEN RECORDED MAIL TO  
PROJECT MANAGEMENT  
PERMIT CLERK  
MAIL STATION 501**

WBS NO. S-16045.02.06

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT PERMIT NO. 1867450 [MMRP]  
HORTON ELEMENTARY JOINT USE 495774  
GUYMON STREET PARK 495796  
CITY COUNCIL**

This Site Development Permit No. 1867450 is granted by the City Council of the City of San Diego, Owner, to the City of San Diego Park and Recreation Department, Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0504 and 125.0840. The 4.7-acre site is located at the north side of Guymon Street between 49<sup>th</sup> street to the west and Horton Elementary School site to the east at 5050 Guymon Street in the OP-1-1 (Open Space-Park) zone of the Encanto Community Plan. The project site is legally described as Lot 1, Lot A-1 thru A-41 of Guymon Arms, the open space easements, water easements, and drainage easements granted to the City that was recorded as Document No. 80-290854, recorded January 9, 1981.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Park and Recreation Department of the City of San Diego Owner/Permittee to construct a 0.86 public pocket park on the southwestern portion of the subject site and improvements to a 1.6 acre area for multi-purpose facility on the northeastern portion of the subject site described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 7, 2017, on file in the Development Services Department.

The project shall include:

- a. A 0.86 pocket park to include a children's play area, shade structures, barbeques, benches, exercise equipment, synthetic turf, restrooms, a drinking fountain, and security lighting on the southwestern portion of the project site.
- b. Grading and improvements of approximately 1.6 acres for joint use by the City of San Diego and Horton Elementary School, consisting of a natural turf with six-foot wide decomposed granite walking track on its perimeter on the northeastern portion of the subject site with chain link fence.

- c. 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 ten years 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 ten year appeal 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. This permit must be utilized by March 7, 2027.
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" conditions(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.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

10. 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.

11. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION, NO. 495774/495796, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION, NO. 495774/495796, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, 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:

- **Sensitive Biological Resources**

#### **CLIMATE ACTION PLAN REQUIREMENTS:**

13. The project will be in compliance with the Climate Action Plan checklist.

### **ENGINEERING REQUIREMENTS:**

14. The project proposes to export 4597 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. The project shall reconstruct the two existing driveways adjacent to the site on Guymon Street with current City Standard concrete driveways, satisfactory to the City Engineer.

16. Project shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

17. Project shall prepare a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

### **PLANNING/DESIGN REQUIREMENTS:**

18. 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.

### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

19. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s)(BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

20. Prior to the issuance of any building permits, the Owner/Permittee shall construct all water and sewer facilities required by the Public Utilities Department necessary to serve this development.

21. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check

22. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.



23. All on-site water and sewer facilities shall be private.

24. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer and five feet of any water facilities.

**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 issuance.

APPROVED by the City Council of the City of San Diego on MAR 07 2017, pursuant to  
Resolution No. 310987.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Peter Kann  
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.**

**City of San Diego – Park and Recreational  
Owner/Permittee**

By \_\_\_\_\_  
Herman Parker  
Director

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

Passed by the Council of The City of San Diego on MAR 07 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 07 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Hinda Bruen*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310987