

#3336
6/8/2021

(R-2021-475)

RESOLUTION NUMBER R- 313581

DATE OF FINAL PASSAGE JUN 08 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING NEIGHBORHOOD
DEVELOPMENT PERMIT NO. 2509264 FOR LISBON
HEIGHTS, PROJECT NO. 622368 (MMRP).

WHEREAS, Lisbon Vista Height, LLC, a California Limited Liability Company;
Owner/Permittee, filed an application with the City of San Diego for a Neighborhood
Development Permit (NDP) to create a residential development on an existing 3.73-acre parcel
with residential and Home Owner Association (HOA) lots to construct single-family dwelling
units known as the Lisbon Heights Project (Project), located at 7108-7112 Lisbon Street, and
legally described as Parcel 1 of No. 9343, in the City of San Diego, County of San Diego, State
of California, filed in the Office of the County Recorder of San Diego County, November 2,
1979 as File No. 79-463698 in the RS-1-7 zone within the Skyline-Paradise Hills Community
Plan Area; and

WHEREAS, on March 18, 2021, the Planning Commission of the City of San Diego
considered Neighborhood Development Permit (NDP) No. 2509264 and pursuant to Resolution
No. 5133-PC voted to recommend approval of the Permit; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to
veto by the Mayor because this matter requires the Council of the City of San Diego (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 June 8, 2021, testimony having been heard, evidence having been submitted, and the 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 Neighborhood Development Permit No. 250926 and San Diego Municipal Code section 126.0404:

a. Findings for all Neighborhood Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The Project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for residential development consisting of 24 lots for single-family development, with 23 lots as market rate and one lot as moderate income affordable unit; Private Access (Lot 25); Floodwater Storage (Lot 26), and Open Space (Lot 27). Additionally, the Project will provide landscaping; and associated onsite and off-site improvements, vacate an unimproved public service easement, and vacate a public right-of-way (PROW). Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 consists of 4,980 square feet of open space. The 24 residential lots are proposed to be developed with 1,800 square-foot, two-story detached single-family units with attached two car garages.

The Project requests deviations from the RS-1-7 Zone development regulations pertaining to lot area, lot width, lot size, street frontage, and retaining walls. Pursuant to the Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations, SDMC Section 143.0920, these regulations allow flexibility in the application of development regulations for projects providing affordable housing opportunities, while assuring that the development achieves the purpose and intent of the applicable land use plan.

The General Plan designates the proposed Project site for Residential use. The Skyline/Paradise Hills Community Plan land use designation is Low-Density Residential (0-10 dwelling units per acre). The 3.7-acre vacant site would allow up to 37 detached dwelling units. The proposed 24 single-family dwelling unit development is consistent with the Community Plan and the General Plan land use designations.

The General Plan focuses on creating walkable and transit friendly communities. The site is located a quarter mile from a retail center and transit stop. The proposed development incorporates shade producing street trees in the internal circulation system for the Project to promote walkability.

The General Plan calls for planting of new trees, street trees and other plans for their shading, air quality, and livability benefits and for the use of landscaping to support storm water management. The proposed development includes a stormwater basin with slender sedge groundcover adjacent to Lisbon Street and gold medallion and peppermint trees along the internal circulation system.

The rear segment of 7108-7112 Lisbon Street is proposed to be vacated and is not part of the Skyline/Paradise Hills Community Plan streets classification network. Unimproved local streets may be considered for a PROW vacation if needs for public access infrastructure are addressed, including feasibility of construction. The public service easement proposed to be vacated was previously granted for repair, maintenance, and roadway renewal with the right of ingress and egress; however, the easement was never dedicated with public improvement. The PROW and public service easement were determined not to be needed for public purposes. The Project proposes to incorporate the vacated PROW and public service easement into the total site area for the construction of housing. Based on the above, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development with deviations is consistent with the relevant SDMC, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving Project compliance with the applicable regulations of SDMC in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The Project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Although the site is located within the Very High Fire Zone (VHFZ) brush management is not required due to the following site conditions: site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation.

Prior to issuance of any construction permit for the proposed development, the plans require review for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, including the requirement to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors.

Furthermore, the Project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The Project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for residential development consisting of 24 lots for single-family development, with 23 lots as market rate and one lot as moderate income affordable unit; Private Access (Lot 25); Floodwater Storage (Lot 26), and Open Space (Lot 27). Additionally, the Project will provide landscaping; and associated onsite and off-site improvements, vacate an unimproved public service easement, and vacate a PROW. Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 consists of 4,980 square feet of open spaces. The 24 residential lots are proposed to be developed with 1,800 square-foot, two-story detached single-family units with attached two car garages.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed as development incentives in accordance with the Affordable Housing Regulations, and through the Neighborhood Development Permit process pursuant to SDMC Section 143.0920, which provides flexibility of development regulations for projects providing affordable housing opportunities.

The Project requests the following deviations from the RS-1-7 Zone development regulations: Lot areas will average 3,975 square feet (Lot 1-7, 15-16, 19-21) where 5,000 square feet is required; Lot width is less than 50 feet for Lot 21; Lot size does not meet the 50-foot by 95 square-foot minimum for Lots 1-9, and 13-21; Residences don't have the required 50-foot street frontage, access is through internal private streets; and retaining walls range from 16 inches to 16 feet where the maximum allowable height is six feet.

The deviations are supported because the Project is consistent with the community plan policies, is designed to address the physical environment and topographic constraints and would not adversely impact the public's health and safety.

The Project would benefit the community by providing additional market rate and affordable housing opportunities in the Skyline/Paradise Hills Community. The requested deviations are necessary for development of the proposed 24 residential dwelling units and are in accordance with the Affordable Housing, In-fill Projects, and Sustainable Buildings Development Regulations, which provide development flexibly. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the Land Development Code and San Diego Municipal Code. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

b. Supplemental Findings – Environmentally Sensitive Lands San Diego Municipal Code Section 126.0404(b)

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 subdivide an existing 3.73-acre vacant site to 27 lots for residential development consisting of 24 lots for single-family development, with 23 lots as market rate and one lot as moderate income affordable unit; Private Access (Lot 25); Floodwater Storage (Lot 26), and Open Space (Lot 27). Additionally, the Project will provide landscaping; and associated onsite and off-site improvements, vacate an unimproved public service easement, and vacate a PROW. Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 consists of 4,980 square feet of open space. The 24 residential lots are proposed to be developed with 1,800 square-foot, two-story detached single-family units with attached two car garages.

The vacant panhandled lot is located north of Lisbon Street and East of Imperial Avenue. This site is an undeveloped lot bordered by residential development on all sides.

The vacant, panhandled lot contains non-native grasslands. Topographically, the site elevations range from approximately 315 feet at the southwest corner of the site to 380 feet above mean sea level (AMSL) in the northeast corner.

Grading entails approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet. City Staff has reviewed and accepted a Geotechnical Investigation Report prepared by SWS Engineering, Inc. dated July 19, 2019, which determined the consultant adequately addressed the soil and geologic conditions for the Project and the site is suitable for the proposed development provided the geotechnical recommendations are incorporated into the Project design.

The Project site is subject to the City's Multiple Species Conservation Project (MSCP) Subarea Plan and the City's Biology Guidelines which implement the Environmentally Sensitive Lands Regulations.

The City conducted an Initial Study and determined that the Project could have a significant environmental effect on Biological Resources. The Project would impact 1.8 acres of non-native grasslands. Per the City of San Diego Biology Guidelines, impacts to non-native grasslands are considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-Habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct Project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent

contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

Based on the above, 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.

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 site elevations range from approximately 315 feet above mean sea level (AMSL) at the southwest corner of the site to 380 feet AMSL in the northeast corner. Grading entails approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet. Project grading would create flat development pads for the construction of 24 buildings and balance cut and fill within the site. Internal driveways would generally flow with the sloping topography and buildings would be stepped in specific areas to incorporate the natural drop of the slope.

Although the site is located within the Very High Fire Zone (VHFZ), brush management is not required due to the following site conditions: site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation.

According to a geotechnical investigation report prepared by SWS Engineering, Inc., the site is suitable for the proposed development provided the geotechnical recommendations are incorporated into project design. The Project has been conditioned to require the preparation of a geotechnical investigation report in accordance with the City's Guidelines for Geotechnical Reports that specifically addresses the proposed grading plans prior to the issuance of any grading permits. Additionally, the Project would be required to comply with the California Building Code, City of San Diego Grading Ordinance, as well as the Storm Water Standards, and utilize proper engineering design and construction practices. Therefore, 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.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The City conducted an Initial Study and determined that the proposed Project could potentially have a significant environmental effect on Biological Resources.

The Project would impact 1.8 acres of non-native grasslands; per the City of San Diego Biology Guidelines, impacts to non-native grasslands is considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-Habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA

or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

The Project will comply with all applicable water quality regulations, including obtaining and complying with those conditions established in State Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits. Both of these permits include the treatment of all surface runoff from paved and developed areas, the implementation of applicable Best Management Practices (BMPs) during construction activities and the installation and proper maintenance of structural BMPs to ensure adequate long-term treatment of water before entering into any stream course or offsite conservation areas. The project will include the development of an onsite bioretention basin for the capture, treatment and release of project related runoff.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and VPHCP. The 3.73-acre Project site is located within the City of San Diego's MSCP Subarea Plan. The site is not located within or adjacent to a Multi-Habitat Planning Area (MHPA), open space or conserved land. Therefore, no conservation or land use adjacency guidelines are applicable.

The City conducted an Initial Study and determined that the proposed Project could have a significant environmental effect on Biological Resources.

The Project would impact 1.8 acres of non-native grasslands; per the City of San Diego Biology Guidelines, impacts to non-native grasslands are considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-Habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

5. The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed development. The site contains environmentally sensitive lands in the form of Biological Resources. The Project has been conditioned make payment to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 1.8-acres of non-native grasslands (Tier IIIB), which will be

mitigated through applicant's contribution to the City of San Diego's Habitat Acquisition Fund. The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed development.

c. Supplemental Findings-Affordable Housing, In-Fill Projects, Sustainable Buildings Deviation San Diego Municipal Code Section 126.0404(f)

1. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable building opportunities. The Skyline/Paradise Hills Community Plan land use designation is Low-Density Residential (0-10 dwelling units per acre). The 3.7-acre vacant site would allow up to 37 detached dwelling units. The proposed 24 single-family dwelling unit development is consistent with the Community Plan and the General Plan land use designations.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed as development incentives in accordance with the Affordable Housing Regulations, and through the Neighborhood Development Permit process pursuant to SDMC Section 143.0920, which provides flexibility of development regulations for projects providing affordable housing opportunities.

The Project would benefit the community by providing additional market rate and affordable housing opportunities in the Skyline/Paradise Hills Community, maximizing housing within this vacant infill development. Therefore, the development will materially assist in accomplishing the goal of providing affordable housing, in-fill development, and sustainable buildings.

2. Any proposed deviations are appropriate for the proposed location. The vacant 3.7-acre panhandle lot is located north of Lisbon Street and east of Imperial Avenue. This site is an undeveloped lot bordered by residential development on all sides.

On-site vegetation consists of non-native grasslands. Topographically, the site elevations range from approximately 315 feet above mean sea level (AMSL) at the southwest corner of the site to 380 feet AMSL in the northeast corner.

Project grading would create flat development pads for the construction of the 24 residential units, and balance cut and fill within the site. Internal driveways would generally flow with the sloping topography and buildings would be stepped in specific areas to incorporate the natural drop of the slope. Building volumes would also incorporate variations in rooflines and wall planes that transition with the flow of the slope.

The Project requests the following deviations from the RS-1-7 development regulations: Lot area will average 3,975 square feet (Lot 1-7, 15-16, 19-21) where 5,000 square feet is required; Lot width is less than 50 feet for Lot 21; Lot size does not meet the 50 feet by 95 feet minimum for Lots 1-9, and 13-21; residences don't have the required 50-foot street frontage, access is through private streets; retaining walls range from 16 inches to 16 feet where the maximum allowable height is six feet.

Pursuant to the Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations, SDMC Section 143.0920, these regulations allow flexibility in the application of development regulations for projects providing affordable housing opportunities, while assuring that the development achieves the purpose and intent of the applicable land use plan.

Providing 24 residential units within this vacant infill development site furthers General Plan and Skyline/Paradise Hills Community Plan goals and policies related to the provision of housing. The proposed deviations are necessary due to site constraints, on an otherwise underutilized site. The proposed deviations provide a design that is suitable for the proposed development and are appropriate for this location.

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 Neighborhood Development Permit No 2509264 is granted to Lisbon Vista Height, LLC, a California Limited Liability Company, 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 /s/ Lauren N. Hendrickson
Lauren N. Hendrickson
Deputy City Attorney

LNH:cm
May 18, 2021
Or.Dept: DSD
CC No. N/A
Doc. No.: 2665899

Attachment: Neighborhood Development Permit No. 2509264 for Lisbon Heights Project
No. 622368-MMRP

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL

INTERNAL ORDER NUMBER: 24008090

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2509264

LISBON HEIGHTS PROJECT NO. 622368- MMRP

CITY COUNCIL

This Neighborhood Development Permit No. 2509264 is granted by the Council of the City of San Diego to Lisbon Vista Height, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0402. The 3.73-acre site is located at 7108-7112 Lisbon Street in the RS-1-7 zone within the Skyline-Paradise Hills Community Plan Area. The project site is legally described as: Parcel 1 of Parcel Map No. 9343, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 2, 1979 as File No. 79-463698.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create a residential development with 24 single dwelling units subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 8, 2021, on file in the Development Services Department. The project shall include:

- a. The residential development of a 3.73-acre site to create 27 lots.
 1. 24 residential lots to be developed with as two-story, 1,800 square-foot, single-family residences with attached two car garages (Lots 1-24);
 2. HOA Private Access - Lot A (Lot 25);
 3. HOA Floodwater Storage - Lot B (Lot 26); and
 4. HOA Open Space - Lot C (Lot 27).
- b. Deviations include:
 1. Lot Areas average 3,976 square feet for Lots 1-7, 15-16, 19-21, and 23 where 5,000 square feet are required;

2. Lot Width is less than the 50-foot required for Lot 21;
 3. Lot Size less than the required 50-foot by 95 foot minimum for Lots 1-9, and 13-21;
 4. No Street frontage proposed, homes accessed through internal private street; and
 5. Retaining walls range from 16 inches to 16 feet in height where a maximum of six feet is allowed.
- 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 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. This permit must be utilized by June 8, 2024
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 construction 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 622368, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified In Mitigated Negative Declaration, No. 622368, to the satisfaction of the Development Services Department and the City Engineer.

14. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures described in the-MMRP shall be implemented for the following issue areas: Biological Resources.

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to issuance of any construction permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, the Owner/Permittee shall provide one affordable for-sale unit with prices of no more than 120 percent of Area Median Income (AMI).

ENGINEERING REQUIREMENTS:

17. This Permit shall comply with the conditions of the Final Map for Tentative Map No. 2225121.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall dedicate an additional six feet on Lisbon Street to provide a 14-foot curb-to-property-line distance, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 25-foot wide driveway, adjacent to the site on Lisbon Street, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for proposed curb outlet within Lisbon Street public right of way.

21. Prior to the issuance of any construction permit, the Owner/Permittee 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 specification.

22. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

23. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

LANDSCAPE REQUIREMENTS:

24. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

25. Prior to issuance of any construction permit for public improvement, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot 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.

26. Prior to issuance of any construction permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

GEOLOGY REQUIREMENTS:

29. Prior to the issuance of any construction permit (either grading or building), the Owner/ Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

30. The Owner/ Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING/DESIGN REQUIREMENTS:

31. 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.

32. Prior to the issuance of any construction permit, construction documents shall demonstrate compliance with the approved Exhibit "A," including the Lisbon Heights Design Guidelines.

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

34. 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:

35. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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 appropriate City decision maker in accordance with the SDMC.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

36. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

37. Prior to the issuance of any construction permit, 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 Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

38. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the Public Right-of-Way.

39. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the design of the sewer manhole with an eight- inch channel for the existing six-inch public sewer main to achieve a laminar flow within the Lisbon Street as shown on the approved Exhibit "A".

40. All proposed private water and 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.

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

42. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

43. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 June 8, 2021, and Resolution No.

K-313581

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 250964
PTS NO. 622368

Date of Approval: June 8, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Edith Gutierrez
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.

LISBON VISTA HEIGHT, LLC,
a California Limited Liability Company
Owner/Permittee

By _____
NAME
TITLE

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

Passed by the Council of The City of San Diego on JUN 08 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 08 2021.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **313581**