

DOC# 2015-0405524



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OFFICIAL RECORDS  
Ernest J. Dronenburg, Jr.,  
SAN DIEGO COUNTY RECORDER  
FEES: \$54.00

PAGES: 14

14p  
1c  
**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**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004641

**SITE DEVELOPMENT PERMIT NO. 1287832**  
**OLIVE DRIVE TOWNHOMES SDP/TM - PROJECT NO. 368310**  
**PLANNING COMMISSION**

This Site Development Permit is granted by the Planning Commission of the City of San Diego to PATHFINDER RAINTREE RESIDENTIAL II, LP, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.44-acre site is located at 133 West Olive Drive, in the RM-1-1 Zone of the San Ysidro Community Plan. The project site is legally described as: Lots 73 & 74 of Map No. 1174.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish a single-family residence and construct eight (8) residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 9, 2015, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing single-family residence and the construction of eight (8) new residential condominium units totaling approximately 17,140 square feet in area. The units will be constructed in four, two-story duplex buildings with an attached two-car garage for each unit. Two additional surface parking spaces will also be provided for a total of 18 onsite parking spaces. The project includes a 20-percent affordable housing density bonus of two (2) additional units where six (6) are allowed by the zone and Community Plan, for a total of eight (8) units. In exchange for the increased density, one unit will be restricted to provide rents affordable to low-income households (rents at 30% of 60% AMI). The project also includes an affordable housing development incentive deviation, which allows an FAR of 0.89 (17,140 square feet) where 0.75 (14,421 square feet) is allowed by the RM-1-1 Zone;

**ORIGINAL**

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. 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 April 23, 2018.
2. 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.
3. 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.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. 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.).
6. 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.
7. 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.

8. 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.

9. 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.

#### **AFFORDABLE HOUSING REQUIREMENTS:**

10. Prior to the issuance of any building permit, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.). Owner/Permittee shall record with the County Recorder of the County of San Diego the Agreement and the deed of trust in favor of the San Diego Housing Commission

11. Prior to issuance of any building permit, Owner/Permittee shall demonstrate compliance with the provisions of Chapter 14, Article 3, Division 7 of the San Diego Municipal Code [SDMC] [Affordable Housing Density Bonus Regulations], to the satisfaction of the San Diego Housing Commission and the City Manager. Owner/Permittee shall enter into a written agreement with the San Diego Housing Commission [Agreement] – drafted and approved by the

San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust -- that incorporates applicable affordability conditions consistent with the SDMC; specifically including that, in exchange for the City's approval of the Project, which contains a 20 percent affordable housing density bonus (two units in addition to what is permitted by the underlying zoning regulations), alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide one unit with rents of no more than 30% of 60% of AMI, so as to be considered affordable to low income households as defined in San Diego Municipal Code [SDMC] section 143.0720, for no fewer than 30 years.

12. Prior to issuance of any building permit, Owner/Permittee shall also demonstrate compliance with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code [Inclusionary Affordable Housing Regulations], to the satisfaction of the San Diego Housing Commission and the City Manager. The Agreement referenced in the preceding paragraph shall also incorporate the applicable affordability conditions consistent with the SDMC and the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual; specifically including that, in exchange for an exemption from the requirement to pay an Inclusionary Affordable Housing Fee and as consideration for the receipt of incentives or concessions pursuant to SDMC section 142.1303(f), which require the Owner/Permittee to enter into a contract to restrict rents, the Owner/Permittee shall provide one unit with rents of 30% of 65% of AMI, so as to be considered affordable to targeted rental households for years 31 through 55.

#### **AIRPORT REQUIREMENTS:**

13. Prior to the issuance of any building permit, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520

#### **ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of any existing non-utilized driveways on the project site with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the two existing offsite driveways, located immediately adjacent to the north and south of the project site on West Olive Drive, satisfactory to the City Engineer.

16. Prior to the issuance of the building permit, the Owner/Permittee shall assure by permit and bond the replacement of existing curb with City standard curb and gutter, along each lot frontages on West Olive Drive, satisfactory to the City Engineer.

17. Prior to the issuance of the building permit for each lot, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with the same scoring pattern City standard sidewalk, along the project frontage on West Olive Drive, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
20. Prior to the issuance of any construction permit for lot 2, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
21. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

22. Prior to issuance of any construction permits for structures or grading, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted 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 Office of the Development Services Department.
23. Construction plans shall take into account a 40-square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
24. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.
25. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.
26. Required shrubs or trees that die three years or more after installation shall be replaced with 15-gallon size or 60-inch box size /15 foot BTH material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material

27. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
28. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.
29. Trees required by this division shall be maintained so that all branches over pedestrian walkways are six feet above the walkway grade and so that all branches over vehicular travel ways are 16 feet above the grade of the travel way.
30. Plant materials shall be grouped into hydrozones that consist of plant species having similar water demand and by their soil, sun, and shade requirements.
31. A Water budget and irrigation audit shall be conducted as indicated in SDMC 143.0413

**GEOLOGY:**

32. Prior to the issuance of any building or engineering permits (including grading), the Owner/Permittee shall submit a geotechnical investigation report or update letter 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.
33. Prior to exoneration of the bond and grading permit close-out, 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.

**PLANNING/DESIGN REQUIREMENTS:**

34. Owner/Permittee shall maintain a minimum of 18 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
35. 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.
36. The Owner/Permittee shall post a copy of each approved discretionary Permit and Tentative Map in its sales office for consideration by each prospective buyer.



37. 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**

38. A minimum of 18 off-street automobile parking spaces shall be permanently maintained on the property within the approximate location shown on the Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

39. 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 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. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

41. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

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

43. 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.

44. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new sewer lateral(s).

45. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

**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.

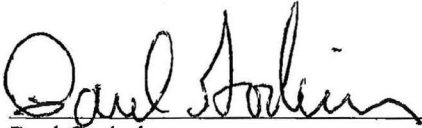
APPROVED by the Planning Commission of the City of San Diego on April 9, 2015, and Resolution No. PC-4677.



Permit Type/PTS Approval No.: SDP No. 1287832

Date of Approval: March 26, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT



Paul Godwin

Development Project Manager

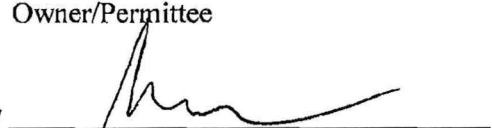
**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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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.

**Pathfinder Raintree Residential II, LP**  
Owner/Permittee

By

  
Michael Kootchick  
Managing Member

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

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Diego )  
 On July 24, 2015 before me, Stacie L. Maxwell, Notary Public,  
 Date Here Insert Name and Title of the Officer  
 personally appeared -----Paul Godwin-----  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Olive Drive Townhomes Document Date: March 26, 2015

Number of Pages: 9 Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

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## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SAN DIEGO

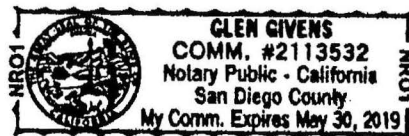
On 7/17/15 before me, GLEN GIVENS NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared MICHAEL ALAN KOOTCHICK  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



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PLANNING COMMISSION  
RESOLUTION NO. PC-4677  
SITE DEVELOPMENT PERMIT NO. 1287832  
**OLIVE DRIVE TOWNHOMES SDP/TM - PROJECT NO. 368310**

WHEREAS, PATHFINDER RAINTREE RESIDENTIAL II, LP, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish a single-family residence and construct eight (8) residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 1287832, on portions of a 0.44-acre site;

WHEREAS, the project site is located at 133 West Olive Drive, in the RM-1-1 Zone of the San Ysidro Community Plan;

WHEREAS, the project site is legally described as Lots 73 & 74 of Map No. 1174;

WHEREAS, on April 9, 2015, the Planning Commission of the City of San Diego considered Site Development Permit No. 1287832, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 13, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15332 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated April 9, 2015.

**FINDINGS:**

**Site Development Permit - Section 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan;**

The proposed project would allow the demolition of an existing single-family home and the construction of eight (8) residential condominium units in a developed urban area. The project conforms to the development regulations of the RM-1-1 Zone, with the exception of a deviation to the Floor Area Ratio (FAR), which is allowable as a development incentive for Affordable Housing Density Bonus projects in accordance with California Government Code (CGC) Section 65915. A Tentative Map is included to consolidate the two contiguous lots into one lot and create the eight condominium units. The San Ysidro Community Plan designates the site for Low Medium Residential Density, at a rate of 10-15 dwelling units per acre (du/ac), or 4-6 dwelling units allowed onsite. In order to achieve the eight dwelling units proposed, the project would utilize a 20 percent affordable housing density bonus of two additional units, for a total of eight dwelling units allowed onsite. In exchange for the density bonus, one of the units would be restricted to low-income households.

The project is consistent with the SDMC Chapter 14, Article 3, Division 7 Affordable Housing Density Bonus Regulations and General Plan Housing Element Policy HE-B.12, which encourages and promotes the use of available Housing Density Bonus Programs. The project is also consistent with California Government Code (CGC) Section 6915, which contains regulations regarding density bonuses for affordable housing.

The Residential Section of the Urban Form Element of the San Ysidro Community Plan recommends designing buildings that contribute to a positive neighborhood character and relate to neighborhood and community context. The buildings have been designed so that end unit entrances face onto the street and alley to ensure a strong street presence. Also, pedestrian pathways from the alley to the street are provided, as recommended in the Urban Form Element. Therefore, 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; and**

The proposed project would allow the demolition of an existing single-family home and the construction of (8) eight residential condominium units in a developed, urban area. The project conforms to the development regulations of the RM-1-1 Zone, with the exception of a deviation to the Floor Area Ratio (FAR), which is allowable as a development incentive for Affordable Housing Density Bonus projects in accordance with California Government Code (CGC) Section 65915. A Tentative Map is included to consolidate the two contiguous lots into one lot and create the eight condominium units. The project is required to obtain all required ministerial construction and grading/ permit approvals and comply with all applicable uniform Building, Fire, Plumbing, Electrical, Mechanical and Storm Water requirements in addition to all health, life and safety requirements. The project has been conditioned to provide appropriate right-of-way improvements, including new curb, gutter and sidewalk.

The City of San Diego, as Lead Agency, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines Section 15332 (In-Fill Development Projects). This project is not pending an appeal of the environmental determination. The environmental determination for this project was made on February 13, 2015, and the opportunity to appeal that determination ended March 2, 2015. Therefore, the proposed development would 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 proposed project would allow the demolition of an existing single-family home and the construction of (8) eight residential condominium units in a developed, urban area. The project conforms to the development regulations of the RM-1-1 Zone, with the exception of a deviation to the Floor Area Ratio (FAR), which is allowable as a development incentive for Affordable Housing Density Bonus projects in accordance with California Government Code (CGC) Section 65915. A Tentative Map is included to consolidate the two contiguous lots into one lot and create the eight condominium units. The site is located in the RM-1-1 Zone, which is a multi-family zone that would allow six units on the 0.44-acre site.

In order to achieve the eight dwelling units proposed where six are allowed by the RM-1-1 Zone, the project would utilize a 20 percent affordable housing density bonus of two additional units, for a total of eight dwelling units allowed onsite. In exchange for the density bonus, one of the units would be restricted to low-income households. The project is consistent with the SDMC Chapter 14, Article 3, Division 7 Affordable Housing Density Bonus Regulations and General Plan Housing Element Policy HE-B.12, which encourages and promotes the use of available Housing Density Bonus Programs. The project is also consistent with California Government Code (CGC) Section 6915, which contains regulations regarding density bonuses for affordable housing.

The proposed project as designed and conditioned complies with all applicant development standards, including height, setbacks, lot coverage, parking, private and common open space, storage and recycling area requirements. No variance requests are included with this proposal. The applicant has requested a waiver of the requirement to underground the existing overhead utilities, which is supported by staff as the waiver request meets the SDMC guidelines in that there is a short span of overhead utilities involved (less than 600 feet) and any new service runs must be placed underground. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1287832 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 1287832, a copy of which is attached hereto and made a part hereof.



Paul Godwin  
Development Project Manager  
Development Services

Adopted on: April 9, 2015

Internal Order No. 24004641