

RESOLUTION NUMBER R- 301980

DATE OF FINAL PASSAGE OCTOBER 10, 2006

WHEREAS, Tierrasanta Christian Church and Shappel Industries, Inc., Applicant/
Subdivider, and Project Design Consultants, Engineer, submitted an application to the City of
San Diego for a tentative map [Tentative Map No. 182476] for the proposed subdivision of a
6.86 acre site into two lots, (lot 1 is for residential development- 60 residential condominiums
and one commercial condominium unit and open space development- and lot A is open space),
and to waive the requirement to underground existing overhead utilities for the project known as
the Tierrasanta Townhomes project [Project], located at 11445 Tierrasanta Boulevard, and
legally described as a portion of Lot 301 of El Dorado Hills, Unit 13 in the City of San Diego,
County of San Diego, State of California according to Map No. 9151, in the Tierrasanta
Community Plan area, in the RS-1-7 zone which is proposed to be rezoned to the RM-1-1 zone;
and

WHEREAS, on May 25, 2006, the Planning Commission of the City of San Diego
considered Tentative Map No. 182476, and pursuant to Resolution No. 4042-PC voted to
recommend City Council approval of the map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or
geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal
Code section 144.0220; and

(a) the project consists of 60 residential condominiums under construction which
have not been issued Certificates of Occupancy and one commercial condominium unit.

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, after approval of the above-referenced project by the City Council, Shappell Industries, Inc., part Owner, transferred the property to ISD Property Investments, LLC, thereby making ISD Property Investments, LLC the new part Owner of the Tierrasanta Townhomes project; and

WHEREAS, the matter was set for public hearing on October 10, 2006, 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 Tentative Map No. 182476 with an Open Space Easement Abandonment No. 184493:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the San Diego Municipal Code/Land Development Code (SDMC/LDC section 125.0440(b)).

3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision Map Act sections 66474(c) and 66474(d)).

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat (SDMC/LDC section 125.0440(d) and Subdivision Map Act section 66474(e)).

5. The design of the subdivision and the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC/LDC section 125.0440(e) and Subdivision Map Act section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of property within the proposed subdivision (SDMC/LDC section 125.0440(f) and Subdivision Map Act section 66474(g)).

7. The property contains an open space easement which must be vacated to implement the final map in accordance with SDMC section 125.0430.

8. The design of the of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC section 125.0440(g) and Subdivision Map Act section 66473.1).

9. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (SDMC/LDC section 125.0440(h) and Subdivision Map Act section 66412.3).

10. The requested underground waiver of the existing overhead facilities qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:

- a). The conversion would involve either a substantial investment in temporary facilities (cable poles, temporary recircuiting, etc.) or a significant amount of work considered off-site to the development which is financing the conversion.
- b). The conversion would involve an inordinate cost to the development. Such determination has been made on the basis of cost estimates supplied and confirmed by the utility companies or a utility consultant and was considered with regard to the type of development, the aesthetic benefits, and relative costs if the facilities were to remain overhead.

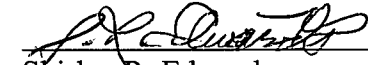
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 334358, including the waiver of the requirement to underground existing overhead utilities and Open Space Easement Abandonment No. 184493, are granted to Tierrasanta Christian Church and IDS Property

Investments, LLC, Applicant/Subdivider and Project Design Consultants, Engineer,
subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Shirley R. Edwards
Chief Deputy City Attorney

SMT:SRE:als:pev
07/0706
10/12/06 REV.COPY
10/30/06 REV.COPY.1
08/15/07 COR.COPY
Or.Dept:DSD
R-2007-9
MMS# 3454

I:\Civil\FORM FILLS; RESO_ORD.FORMS\MAPS\Tentative Map 09-20-05.doc

CONDITIONS FOR VESTING TENTATIVE MAP NO. 334358
OPEN SPACE ABANDONMENT 184493
TIERRASANTA TOWNHOMES PROJECT NO. 61500
ADOPTED BY RESOLUTION NO. R-301980 ON OCTOBER 10, 2006

GENERAL

1. This Tentative Map will expire on October 10, 2009.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. Pursuant to California Government Code section 66434(g), a portion of the open space easement granted on Map No. 9151, located within the project boundaries as shown in Tentative Map No. 82746, shall be vacated, contingent upon the recordation of the approved final map for the project.
5. The Final Map shall conform to the provisions of Rezone No. 184492, Vesting Tentative Map No. 334358 with an Open Space Easement Abandonment No.184493 and a waiver to underground existing overhead utilities, Site Development Permit No. 330475, Conditional Use Permit Nos. 287678, 287680, 287681, 287682 and a Multi-Habitat Planning Area Boundary Adjustment and Certification of Mitigated Negative Declaration No. 61500.

AFFORDABLE HOUSING

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

ENGINEERING

7. The Final Map shall comply with the provisions of Site Development Permit No. 330475 and Conditional Use Permit Nos. 287678, 287680, 287681, and 287682.
8. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm

Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRC.

10. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
11. Tierrasanta Boulevard is identified in the community plan as a circulation element. There are three different options the subdivider may exercise. These options include: a) a bonded deferred improvement agreement for construction of the improvements; b) a lien agreement to be recorded against the property instead of a bonded agreement; and, c) a cash deposit to the City. Whichever option is exercised, the subdivider is only responsible for the construction of 39 feet of right-of-way improvement.
 - a) The subdivider may enter into a bonded deferred improvement agreement for construction of this improvement. If the community plan is amended and the road is deleted from the circulation element, the agreement will terminate and applicant will no longer be required to do this improvement.
 - b) The subdivider may enter into a lien agreement to be recorded against the property instead of a bonded agreement. The lien agreement shall clearly define the scope of work and the fact that the improvement shall be provided upon a written request by the City Engineer.
 - c) The subdivider shall pay a cash amount to the City for this obligation. If this option is exercised, the subdivider is only responsible for its fair share of contribution which means if and once the project is fully funded, the subdivider may receive cash back. If the community plan is amended and the road is deleted from the community plan the City shall return the cash deposit of the estimated improvements to the subdivider.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has

taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

14. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

MAPPING

15. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
16. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
17. Every Final Map shall:
 - a) Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b) Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
18. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

LANDSCAPING

19. Prior to the recordation of the Final Map, the subdivider shall submit complete landscape construction documents including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City manager.
20. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan on file in the Office of the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
21. Prior to issuance of any engineering permits for grading, the Permittee or subsequent Owner shall enter into a Landscape Establishment and Maintenance Agreement [LEMA] to assure long-term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.
22. Prior to recordation of the Final Map, the Permittee or subsequent Owner shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

SEWER AND WATER

23. The Subdivider shall design and construct a minimum 12-inch diameter public water main, within the Tierrasanta Boulevard right-of-way to provide redundancy as needed in a manner satisfactory to the Water Department Director and the City Engineer. No more than two fire hydrants shall be on a dead end water system. Proposed facilities, as shown on the approved tentative map, shall be modified at final engineering to comply with standards.
24. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead end main then the Subdivider shall install a redundant water system satisfactory to the Water Department Director.
25. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public

water facilities that are not located within fully improved public rights of way, satisfactory to the Water Department Director. Easements shall be located within single lots.

26. The Subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or modified at final engineering to comply with standards.
27. The Subdivider shall provide a letter to the City Engineer assuring the preparation of CC&Rs for the operation and maintenance of any on site private water facilities that serve or traverse more than one lot or dwelling unit.
28. Prior to recordation of the Final Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

COMMUNITY ISSUES:

29. The subdivider shall pay a cash amount of at least \$250,000 and up to \$300,000 to the City and the City is to credit the proceeds to the Tierrasanta Lighting and Open Space Maintenance Assessment District for the installation of lighting at the Tierrasanta Community Park. These funds shall be provided prior to issuance of building permits for the Tierrasanta Townhomes Project. If the developer does not proceed with the project, any future developer will be similarly obligated to provide this community enhancement.
30. The subdivider or developer is to work with Development Services Staff and the Tierrasanta Community Council to adopt a signage plan, lighting plan, trash management plan and exterior color scheme prior that is acceptable to all parties prior to the issuance of building permits.
31. The full complement of the 151 on-site parking spaces is maintained for the life of the project.
32. The Tierrasanta Community Council will be provided for review and comment a copy of the proposed Homeowners Associations draft CC&Rs prior to recordation.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.
- This development may be subject to payment of School-Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Tierrasanta Community Plan area.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

*Revised 8/15/07

Passed by the Council of The City of San Diego on OCT 10 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 10 2006.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Debbie Severson Cuy, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-301980