

RESOLUTION NUMBER R- 306410

DATE OF FINAL PASSAGE NOV 30 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING TENTATIVE MAP NO. 405343 FOR  
THE BLACKSHAW LANE VILLAS PROJECT - PROJECT  
NO. 62524.

WHEREAS, San Ysidro Investment Co. Inc., Subdivider, and Bruno B. Callu, Engineer, submitted an application to the City of San Diego for a tentative map for the construction of 11 residential condominiums (Map), and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 549 Blackshaw Lane within the RS-1-7 zone within the San Ysidro Community Plan. The property is legally described as Lot A-238 of addition No. 5 in the City of San Diego, County of San Diego State of California, according to amended map thereof No. 1405 filed in the Office of the County Recorder of San Diego, January 2, 1912; and

WHEREAS, the Map proposes the Subdivision of a 0.94-acre-site into 11 residential condominiums; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code (SDMC) section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 11; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground*

*Conversion of Utility Lines at Developers Expense* in that the conversion of the utilities involves a short span of overhead facility (less than a full block in length), the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area; and

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, on NOV 30 2010, the City Council of the City of San Diego considered Tentative Map (TM) No. 405343, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440 and 144.0240 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to TM No. 405343:

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 § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)). The project proposes a Tentative Map to create 11 residential condominiums, a Rezone to change the zoning from RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to

10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)). The project proposes an TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

City staff has reviewed this project in accordance with the RM-1-1 zone and have determined that the proposed development complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The project proposes an TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

The site is relatively flat and contains two residential structures . Surrounding the site are existing single and multi-family dwelling units conducive to the proposed development of 141 units. The site has been reviewed by San Diego City staff for compliance to future occupancy in accordance with this Final Map application. Therefore, the site is physically suitable for the type and density of the development

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). The project proposes an TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

Minor land modifications are proposed with this TM. The project proposes to rough grade the entire site with a maximum fill depth of 5-feet. The TM was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, and Land Use Policies. The TM included a review for compliance towards storm water runoff requirements during and after construction. The project is located within an urbanized built up environment where there is no watercourses on site and would not impact fish or their habitat. Mitigation measures in accordance with Mitigated Negative Declaration No. 62424 regarding archaeology monitoring and transportation are required for the project to include Archaeological and Native American monitoring be present during initial excavation activities to inspect for in-situ cultural resources. Therefore the subdivision will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat (Land Development Code section 125.0440.d and State Map Act section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). The project proposes an TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The TM includes conditions and corresponding exhibits of approvals relevant to undergrounding new utilities, storm water and construction water runoff, public improvements, street lighting standards, and paying applicable taxes in order to achieve compliance with the regulations of the SDMC. Therefore, the subdivision will continue to abide to all Federal, State and Local codes administering the Map Waiver. Therefore the project will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The project proposes an TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

The proposed subdivision would maintain existing and proposed easements, and as required, improve the existing public rights-of-ways as identified on TM No. 405343. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The project proposes a TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

The proposed TM has been reviewed with the latest requirements implementing strict environmental requirements. The site has an east-west street layout which allows for maximum solar orientation, thereby maximizing sun exposure for future potential solar heating panels. The site is providing broad headed evergreen trees as a street tree within the front yard to provide for passive cooling. The site is adjacent to mature and tall trees and is located just outside the Coastal Zone where extremities in temperature are rare. Therefore, the project would not impact future passive or natural heating and cooling opportunities.

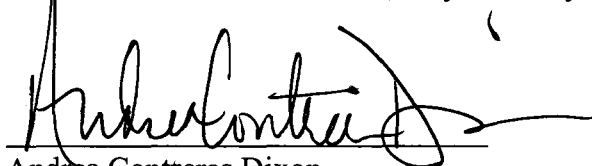
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The project proposes a TM to create 11 residential condominiums, a Rezone to change the zoning form RS-1-7 to RM-1-1 and a Community Plan Amendment to increase the density allowance from 5-10 dwelling units per acre to 10-15 dwelling units per acre located at 549 Blackshaw Lane within the San Ysidro community plan.

The proposed project would replace previously existing residences with a development of higher density. Where there would be an increase in density, contingent with the approval of the Community Plan Amendment and Rezone, the project would not result in substantial population growth or the need for new infrastructure other than that necessary to connect into existing systems. The associated Mitigated Negative Declaration (MND) for the project concluded that existing fire, police, schools, and parks facilities are adequate to serve the proposed subdivision. However, mitigation to Transportation/Circulation was identified in order to reduce potential impacts to below a level of significance. Mitigation requirements include the installation of a traffic signal at the corner of Dairy Mart Road and Vista Lane. Therefore the effects of the proposed subdivision on the housing needs of the region will be balanced against the needs for public services and the available fiscal and environmental resources.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 405343, hereby granted to Christine and Carlos Lopez Family Trust subject to the attached conditions which are made a part of this resolution by reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw  
11/8/2010  
Or.Dept:DSD  
PL# 2010-03409

CONDITIONS FOR TENTATIVE MAP NO. 405343,

BLACKSHAW LANE VILLAS TENTATIVE MAP - PROJECT NO. 62524

ADOPTED BY RESOLUTION NO. R- 306410 ON NOV 30 2010

**GENERAL**

1. This Vesting Tentative Map will expire on 11/30/13.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

5. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.) by paying an in-lieu fee.

**ENGINEERING**

6. The subdivider shall dedicate an additional 3 feet right-of-way, along the project frontage on Blackshaw Lane, to provide a minimum 10 feet curb to property line distance.

7. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drain, landscape and irrigation locate in Blackshaw lane right-of-way and in the public easement.
8. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading watrage.
9. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
10. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
11. Prior to the issuance of any construction permit, the subdivider 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.
12. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
13. Providing drainage improvements for this subdivision and the two adjacent subdivisions, Mission Villas, PTS# 62514 and Vista Lane Villas, PTS# 17917, is dependent upon the construction of the downstream public storm drains and their appurtenances in Blackshaw Lane from this project to the existing curb inlet at the end of the cul-de-sac. If they have not been constructed when required for this subdivision, then the construction of these downstream drainage systems, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
14. The drainage system proposed for this subdivision is private and subject to approval by the City Engineer.
15. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

17. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider 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.
18. 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. RR-297376.

### **MAPPING**

19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
20. "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."
21. The 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 meridian (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.

### **WASTEWATER**

22. All proposed sewer facilities shall be private.
23. The subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.



24. All proposed onsite sewer facilities must meet standard slope and velocities per the City of San Diego's Sewer Design Guide or the developer shall pump this site's flow to the adjacent existing public sewer main in Blackshaw Lane.
25. The Subdivider shall design and constmct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
26. The Subdivider shall provide, satisfactory to the Director of Public Utilities, CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.
27. Prior to the issuance of any Constmction Permit, the Subdivider shall assure, by permit and bond, the design and constmction of all sewer facilities necessary to serve this development, satisfactory to the Director of Public Utilities.
28. Prior to the issuance of any Constmction Permit, the Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities installed in or over the public right of way.
29. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.

#### WATER

30. Prior to the issuance of any constmction permit, the Subdivider shall assure, by permit and bond the design and constmction of a 12-inch diameter water main within a 22' (Min.) water easement. The water main must be connected with 12"x12" tee and 3 valves to the existing 8-inch diameter water main in Blackshaw Lane right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
31. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to stmctures, enhanced paving, or landscaping. No stmctures or landscaping of any kind shall be installed in or over any vehicular access roadway.
32. Prior to the issuance of any constmction permit, the Subdivider shall assure, by permit and bond, the design and constmction of any new water service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
33. Prior to the issuance of any constmction permit, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device,

on irrigation water service, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

34. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
35. The Subdivider agrees to design and construct all proposed public water facilities 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. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

### GEOLOGY

36. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

### LANDSCAPE/BRUSH MANAGEMENT

37. Prior to issuance of any construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take indicate an area equal to 40 square feet 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.
38. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, 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 Office of the Development Services Department.
39. Prior to Final Inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
40. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

41. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Final Landscape Inspection.

### **TRANSPORTATION**

43. No fewer than 22 garaged automobile parking spaces and 8 guest parking spaces (including 1 van accessible parking space), and 1 motorcycle parking space shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.
44. Prior to the recordation of the final map, the subdiver shall provide a fair-share contribution of 34.7 percent of the cost to construct a traffic signal at Dairy Mart Road and Vista Lane, satisfactory to the City Engineer. This fair-share contribution shall be placed in a separate interest bearing account.

### **INFORMATION:**

- The approval of this 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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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.
- Subsequent applications related to this 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 Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).