

RESOLUTION NO 2006-191

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE SUBDIVISION MAP (PCS 06-11) FOR 19.6 ACRES AT THE SOUTHWEST CORNER OF OLYMPIC PARKWAY AND WUESTE ROAD INTERSECTION FOR THE EASTLAKE III SENIOR HOUSING PROJECT

I. RECITALS

A. Project Site

WHEREAS, the area of land which is the subject matter of this Resolution is diagrammatically represented in Exhibit A, a copy of which is on file in the Office of the City Clerk, incorporated herein by reference, and commonly known as EastLake III Senior Housing Project Tentative Subdivision Map, Chula Vista Tract 06-11, and for the purpose of general description herein consists of 19.6 acres, located at the southwest corner of Olympic Parkway and Wueste Road within the EastLake III community (Project Site); and

B Project; Application for Discretionary Approval

WHEREAS, on February 1, 2006, Pulte Homes (Developer) filed a tentative subdivision map application with the Planning & Building Department of the City of Chula Vista requesting approval of the Tentative Subdivision Map to subdivide 19.6 acres into 2 parcels to be developed with 494 attached/multi-family dwelling units, and includes a 15,000 square foot community recreation building and walking trails (Project); and

C Prior Discretionary Approval

WHEREAS, the development of the Project Site has been the subject matter of various entitlements and agreements, including: 1) a General Plan Amendment, General Development Plan and Sectional Planning Area Plan and associated Design Guidelines, Public Facilities Financing Plan, Water Conservation Plan, Air Quality Improvement Plan and Comprehensive Affordable Housing Plan previously approved by City Council Resolution No. 2002-220 on July 17, 2001, and 2) Planned Community District Regulations and Land Use Districts Map approved by City Council Ordinance No. 2839 on July 24, 2001, and amended by City Council Ordinance No. 2963 on May 18, 2004, and

D Planning Commission Record of Applications

WHEREAS, the Planning Commission held an advertised public hearing on the Project on June 14, 2006 and after hearing staff presentation and public testimony voted 4-0-1-0 to recommend that the City Council approve the Project, in accordance with the findings and subject to the conditions listed below; and

E. Council Record of Applications

WHEREAS, a duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on June 20, 2006, on the Project to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same; and

WHEREAS, the City Clerk set the time and place for a hearing on said tentative subdivision map application, and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners within 500 feet of the exterior boundary of the project, at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely 6:00 p.m. on June 20, 2006, in the Council Chambers, 276 Fourth Avenue, before the City Council and said hearing was thereafter closed.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find, determine and resolve as follows:

II. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on the Project held on June 14, 2006, and the minutes and resolutions resulting therefrom, are hereby incorporated into the record of this proceeding.

III. COMPLIANCE WITH CEQA

The City Council hereby finds that the Project, as analyzed in the Final Subsequent Environmental Impact Report for the EastLake III Senior Housing Project (FSEIR-05-02), would have no new effects that were not examined in said FSEIR (Guideline 15168).

IV ACTION

The City Council hereby approves the resolution approving the EastLake III Senior Housing Project Tentative Map, Chula Vista Tract 06-05 involving 19.6 acres of land, finding it is consistent with the City of Chula Vista General Plan, the EastLake III General Development Plan, EastLake III SPA Plan, and all other applicable Plans, and that the public necessity, convenience, general welfare and good planning and zoning practice support their approval and implementation.

V TENTATIVE SUBDIVISION MAP FINDINGS

A. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the City Council finds that the Tentative Subdivision Map, as conditioned herein for EastLake III Senior Housing Project, Chula Vista Tract No. 06-11, is in conformance with the elements of the City's General Plan, based on the following:

a) Land Use and Transportation

The proposed subdivision provides for two lots, to be developed with a 494-unit condominium project. The site is designated Commercial Visitor and is proposed to be amended to Residential High (18-27 du/ac) in the General Plan and Residential-High (18-27 du/ac) in the EastLake III GDP and to VR-13 Multi-Family Seniors in the EastLake III SPA. Thus, the project as conditioned is in substantial compliance with the amended EastLake III GDP and SPA and is in substantial conformance with the amended General Plan.

All off-site public street improvements required to serve the subdivision have been constructed and on-site streets will be private.

The public streets serving the Project have been sized as prescribed in the Land Use and Transportation Element of the General Plan and constructed per City design standards and requirements. The modifications to off-site public street improvements have been included in the conditions of approval. The streets are adequate to handle this Project and future projects in the area.

b) East Area Plan

The Project site is located within the East Area Plan area and will be consistent with the plan and policies with the adoption of the amendments to the General Plan described above.

c) Housing

The project is consistent with the density prescribed within the proposed amendment to the EastLake III SPA and provides a new type of active adult seniors housing for persons 55 years of age and older. The EastLake III Affordable Housing Plan is being amended to require the applicant to provide 10% of the total number of housing units offsite for affordable housing. Thus, the affordable housing requirement shall be deemed to be satisfied upon the completion of construction of 25 units for low income families and 25 units for moderate income families.

d) Conservation

FSEIR-05-02 addresses the goals and policies of the Environmental Element of the General Plan and found the development of this site to be consistent with these goals and policies.

There are no known earthquake faults on or around the project site.

Herbicides and pesticides will be prohibited on all landscaped slopes draining into Lower Otay Reservoir. A Water Conservation Plan and Air Quality Improvement Plan have been prepared for the project. Noise mitigation measures included in the FSEIR-05-02 will adequately address the noise goals and policies of the General Plan.

The project has been conditioned to require that all dwelling units be designed to preclude interior noise levels in excess of 45 dBA and exterior noise exposure over 60 dBA for all outside habitable areas.

e) Public Facilities and Services

The Project will be served by the new Mountain Hawk Community Park being constructed north of this site within the EastLake Vistas neighborhood. The Developer will pay park fees for the 494 units in accordance with the Parkland Dedication Ordinance and the conditions of approval specify the amounts to be paid.

The Fire Department and other emergency service agencies have reviewed the proposed subdivision for conformance with City safety policies and have determined that the proposal meets the City Threshold Standards for emergency services.

All required public facilities and services needed to serve the site such as water, sewer, drainage, police, fire, emergency services, schools, libraries, and utilities exist and/or will be provided by the Developer in accordance with the goals and policies of the General Plan.

Although no designated regional off-street bicycle routes are included as components of the internal circulation network, bicyclists will be readily able to share the internal streets with motor vehicles due to low traffic volume and limited speeds allowed.

f) Economic Development

The fiscal impact of the project is analyzed in the project's Public Facilities and Financing Plan. The development of the site as a resort/hotel development as originally planned when the site was designated Commercial Tourist has turned out to be infeasible due to fewer visitors to the Olympic Training Center and the relative isolation of the site.

g) Growth Management

The project has prepared a Public Facilities and Financing Plan which analyzes compliance with the City's Growth Management goals and policies, including the Threshold Standards set by the Growth Management Ordinance. Development impact fees will be required of the applicant.

- B. Pursuant to Section 66412.3 of the Subdivision Map Act, the Council certifies that it has considered the effect of this proposal on the housing needs of the region and has balanced those needs against the public service needs of the residents of the City and the available fiscal and environmental resources.
- C. The configuration, orientation and topography of the site partially allows for the optimum setting of lots for passive or natural heating and cooling opportunities as required by Government Code Section 66473 1
- D. The site is physically suited for residential development and the proposal conforms to all standards established by the City for such project.
- E. The conditions herein imposed on the grant of permit or other entitlement herein contained is approximately proportional both in nature and extend to the impact created by the proposed development.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby approve the Project subject to the general and special conditions set forth below

VI. GENERAL CONDITIONS OF APPROVAL

A. Project Site is Improved with Project

Developer, or their successors in interest, shall improve the Project Site with the Project as described in the Tentative Subdivision Map, Chula Vista Tract 06-11, Final Subsequent Environmental Impact Report for the EastLake III Senior Housing Project (FSEIR-05-02) and associated Mitigation Monitoring and Reporting Program.

B. Implement Mitigation Measures

Developer shall diligently implement, or cause the implementation of all mitigation measures pertaining to the Project identified in the Final Subsequent Environmental Impact Report for the EastLake III Senior Housing Project (FSEIR-05-02) and associated Mitigation Monitoring and Reporting Program. Any such measures not satisfied by a specific condition of this Resolution or by the project design shall be implemented to the satisfaction of the Director of Planning & Building and Environmental Review Coordinator. Mitigation Measures shall be monitored via the Mitigation Monitoring Program approved in conjunction with FSEIR-05-02. Modification of the sequence shall be at the discretion of the Director of Planning & Building should changes in the circumstances warrant such revision.

C. Implement Public Facilities Financing Plan

Developer shall install public facilities in accordance with the EastLake III Senior Housing Project Public Facilities Financing Plan, as required by the Director of Engineering, to meet the threshold standards adopted by the City of Chula Vista. The Director of Engineering and Planning & Building Director may, at their discretion, modify the sequence of improvement construction should conditions change to warrant such a revision.

D Design Consistency

The Developer shall develop the lots in accordance with the EastLake III Planned Community District Regulations and Design Guidelines and in accordance with approval by the Design Review Committee.

VII. SPECIAL CONDITIONS OF APPROVAL

Unless otherwise specified or required by law (a) the conditions and Code requirements set forth below shall be completed prior to the Final Map as determined by the Director of Planning and Building, the City Engineer, and the Director of General Services (b) unless otherwise specified, "dedicate" means grant the appropriate easement, rather than fee title. Where an easement is required the Applicant shall be required to provide subordination of any prior lien and easement holders in order to ensure that the City has a first priority interest and rights in such land unless otherwise excused by the City. Where fee title is granted or dedicated to the City, said fee title shall be free and clear of all encumbrances, unless otherwise excused by the City.

Should conflicting wording or standards occur between these conditions of approval, any conflict shall be resolved by the City Manager or designee.

GENERAL/PRELIMINARY

- 1 All of the terms, covenants and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Developer as to any or all of the property. For the purposes of this document the term "Developer" shall also include Applicant" (*Engineering, Planning & Building*)

2. Developer shall, comply, remain in compliance and implement, the terms, conditions and provisions, as are applicable to the property which is the subject matter of this Tentative Map, of: 1) the EastLake III General Development Plan (GDP) Amendment; 2) EastLake III Sectional Planning Area (SPA) Plan Amendment; 3) EastLake III Planned Community District Regulations Amendment; 4) EastLake III Design Guidelines Amendment; and 5) EastLake III Public Facilities Financing Plan Amendment all approved by the City Council on June 20, 2006 by Resolution No.2006-090. The Developer shall enter into an agreement with the City, providing the City with such security (including recordation of covenants running with the land) and implementation procedures as the City may require complying with the above regulatory documents. Said Agreement shall also ensure that, after approval of the Final Map, the Developer will continue to comply, remain in compliance, and implement such Plans. (*Planning & Building*)

- 3 In the event of a filing of a Final Map, which requires oversizing of the improvements necessary to serve other properties, said Final Map shall be required to include the installation of all necessary improvements to serve the project, plus the necessary improvements for oversizing of facilities required to serve such other properties. At the request of Developer, City shall consider formation of a reimbursement district or any other reimbursement mechanism in accordance with the restrictions of State Law and City ordinances. (*Engineering*)

- 4 If Developer desires to do certain work on the property after approval of the tentative map, but prior to recordation of the applicable Final Map, he may do so by obtaining the required approvals and permits from the City Engineer, Director of Planning and Building and Director of General Services. The permits can be approved or denied in accordance with the City's Municipal Code, regulations and policies. Said permits do not constitute a guarantee that subsequent submittals (i.e., Final Map and improvement plans) will be approved. All work performed by the Developer prior to approval of the applicable Final Map shall be at Developer's own risk. Prior to issuance of grading and/or construction permit, the Developer shall acknowledge in writing that subsequent submittals (i.e., Final Map, improvement plans) may require extensive changes, at Developers cost, to work done under such early permit. Prior to the issuance of a permit, the Developer shall post a bond or other security acceptable to the City Engineer in an amount determined by the City Engineer to guarantee the rehabilitation of the land if the applicable Final Map does not record. (*Engineering*)

- 5 If any of the terms, covenants or conditions contained herein shall fail to occur, or if they are, by their terms, to be implemented and maintained over time, and if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, including issuance of building permits; deny, or further condition the subsequent approvals that are derived from the approvals herein granted; and institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The Developer shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City within a reasonable and diligent time frame. (*Engineering, Planning & Building*)

6. Prior to approval of the Final Map, the Developer shall agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action, or proceeding against the City, or its agents, officers, or employees to attack, set aside, void or annul any approval by the City of Chula Vista, including approval by its Planning Commission, City Council, or any approval by its agents, officers, or employees arising from challenges to the Final Subsequent Environmental Impact Report (FSEIR 05-02) for the EastLake III Seniors Project, and any or all entitlements and approvals issued by the City in connection with the Project. *(Engineering, Environmental, Planning & Building)*
- 7 Any and all agreements that the Developer is required to enter into hereunder shall be in a form approved by the City Attorney *(City Attorney)*
8. Prior to issuance of any building permits the Developer shall agree to meet all the applicable conditions of approval of the tentative map, as determined by the City Engineer and Director of Planning and Building. *(Planning & Building, Engineering)*

ENVIRONMENTAL/PRESERVATION

- 9 Prior to approval of the Final Map, the Developer shall enter into a Supplemental Subdivision Improvement Agreement (SSIA) to implement, to the satisfaction of the Director of Planning and Building and the City Engineer, all applicable mitigation measures identified in the Final Subsequent Environmental Impact Report for the EastLake III Senior Housing Project (FSEIR 05-02) and the associated CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program (MMRP), in accordance with the requirements, provisions and schedules contained therein, and as further specified in these Tentative Map conditions. Modification of the sequence of mitigation shall be at the discretion of the Director of Planning and Building should changes in circumstances warrant such a revision. *(Engineering, Planning & Building, Environmental)*
10. The Developer shall implement, or cause the implementation of all mitigation measures pertaining to the Project identified in the Final Subsequent Environmental Impact Report for the EastLake III Senior Housing Project (FSEIR 05-02) and associated Mitigation Monitoring and Reporting Program. Any such measures not satisfied by a specific condition of this Resolution or by the project design shall be implemented to the satisfaction of the Director of Planning and Building. Mitigation Measures shall be monitored via the Mitigation Monitoring and Reporting Program approved in conjunction with FSEIR-05-02. Modification of the sequence of mitigation shall be at the discretion of the Director of Planning and Building should changes in the circumstances warrant such revision. *(Environmental, Planning & Building).*
- 11 Prior to issuance of any land development permits, including clearing and grubbing and grading permits, the Developer shall install temporary orange fencing around areas of native vegetation to remain undisturbed. Fencing shall be shown on all grading plans and shall remain in place during all construction activities. In addition, the Developer shall retain a City-approved biologist to monitor the installation and on-going maintenance of this temporary fencing. Evidence demonstrating this condition has been met shall be submitted to the City's Environmental Review Coordinator for approval. *(Environmental, Planning & Building).*

12. The Developer shall comply with all applicable requirements of the California Department of Fish & Game, the U.S. Department of Fish & Wildlife and the U.S. Army Corp of Engineers. (*Environmental, Planning & Building*)

SUBDIVISION DESIGN

- 13 The Developer shall install all street trees within the public right-of-way, and within the landscape easement as applicable, in accordance with Chapter 12.32 of the Chula Vista Municipal Code, the City's Landscape Manual and approved cross-sections in the EastLake III SPA plan; or as otherwise approved by the Director of General Services and Director of Public Works. Location of trees and planters shall be contingent upon the location of street signs. Under no circumstance shall a tree or shrub block the visibility of any street sign, regulatory, warning or guide traffic signs. (*Public Works, General Services*)
- 14 Prior to the issuance of each rough grading permit proposing to grade individual lots and streets for the Project, the Developer shall submit a study showing that all curb returns for any intersection in excess of 4% grade, located within the permit boundaries, and all driveways, comply with ADA standards at the front and back of sidewalks to the satisfaction of the City Engineer (*Engineering*)

STREETS, RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS

- 15 The Developer shall provide security in accordance with chapter 18.16 of the Municipal Code. Dedicate, and construct full street improvements for all public streets shown on the Tentative Map within the subdivision boundary or off-site, as deemed necessary by the City Engineer to provide service to the subject subdivision, in accordance with Chula Vista Design Standards, Chula Vista Streets Standards, Chula Vista Subdivision Manual, and approved Tentative Map, unless otherwise approved by the City Engineer Said street improvements shall include, but not be limited to, asphalt concrete pavement, base, curb, gutter and sidewalk, sewer, drainage facilities, street lights, traffic signals, signs, stripping, fire hydrants and transitions to existing improvements in the manner required by the City Engineer.

If improvement plans have been approved by the City, the amount of the security for the above noted improvements shall be 110% of the construction cost estimate approved by the City Engineer If improvement plans are being processed, the security for the improvement shall be 150% of approved cost estimate. Or, if the City has not processed improvement plans, the security for the improvement shall be 200% of construction cost estimate approved by the City Engineer A lesser percentage may be required if it is demonstrated, to the satisfaction of the City Engineer, that sufficient data or other information is available to warrant such reduction. (*Engineering*)

16. The Developer shall design all street vertical and horizontal curves and intersection sight distances to conform to the CalTrans' Highway Design Manual. All streets, which intersect other streets at or near a horizontal or vertical curve, shall meet intersection design sight distance requirements in accordance with City Standards. Sight visibility easements shall be granted as necessary to comply with the requirements in the CalTrans Highway Design Manual and City of Chula Vista Policies. When a conflict between the CalTrans Highway Design Manual and adopted City policies exists, the adopted City Policies shall prevail. Lighted sag vertical curves will be permitted at intersections per American Association of State Highway and Transportation Officials (AASHTO) standards and with approval of the City Engineer (*Engineering*)

- 17 The Developer shall construct sidewalks and pedestrian ramps on all walkways to comply with the "Americans with Disabilities Act" (ADA) standards, as approved by the City Engineer. In the event the Federal Government adopts new ADA standards for street rights-of-way, which are in conflict with the standards and approvals for the Project, all such approvals conflicting with those new standards shall be updated to reflect the new standards. Unless otherwise required by federal law, City ADA standards may be considered vested, as determined by federal regulations, once construction has commenced. *(Engineering)*
18. Prior to approval of the Final Map, the Developer shall acquire and then grant to the City all off-site rights-of-way and easements necessary for the installation of required street improvements and/or utilities. *(Engineering)*
- 19 The Developer shall notify the City, at least 60 days prior to consideration of the approval of the applicable Final Map by City Council, if off-site right-of-way and easements cannot be obtained as required by these conditions. (Only off-site right-of-way or easements affected by Section 66462.5 of the Subdivision Map Act are covered by this condition.) After said notification the Developer shall.
 - a. Pay the full cost of acquiring off-site right-of-way or easements required by the Conditions of Approval of the Tentative Map.
 - b. Deposit with the City the estimated cost of acquiring said right-of-way or easements. Said estimate is subject to the approval of the City Engineer.
 - c. Have all right-of-way and/or easement documents and plats prepared and appraisals complete, as necessary to commence condemnation proceeding, and as determined by the City Engineer.
 - d. Request that the City use its powers of Eminent Domain to acquire right-of-way, easements, or licenses needed for off-site improvements, or work related to the Final Map. The Developer shall pay all costs, both direct and indirect, incurred in said acquisition.

Items a, b, and c above shall be accomplished prior to the approval of the Final Map. *(Engineering)*

- 20 Prior to approval of the Final Map, the Developer shall enter into a Supplemental Subdivision Improvement Agreement (SSIA) to.
 - a. Design, construct, and secure a fully actuated traffic signal including interconnect wiring, mast arms, signal heads and associated equipment, underground improvements, standards and luminaries at the Olympic Parkway/Project Driveway intersection. The design of the traffic signal shall be to the satisfaction of the City Engineer and conform to City standards. The intersection geometry shall be the following:
 - Westbound: One left-turn lane (with 100 feet of storage) and two through lanes;
 - Northbound: One left-turn lane and one right-turn lane (with a storage length of 75 feet in each lane)
 - Eastbound. One shared through/right-turn lane and one through lane
- A traffic signal shall be installed at the project driveway and two outbound (northbound) lanes, one left-turn and one right-turn inbound (southbound) lanes shall be provided.

- b. Relocate the median opening on Olympic Parkway further west from its current location to accommodate the proposed project driveway. In addition, the applicant shall provide the pertinent landscape improvements to the satisfaction of the Director of Planning & Building, and the Director of General Services.
- c. Provide pedestrian ramps to the satisfaction of the City Engineer
- d. Install a "No U Turn" sign for eastbound traffic on Olympic Parkway at the Olympic Parkway/Wueste Road intersection.

The Developer shall fully design the aforementioned improvements in conjunction with the improvement plans for the related project. *(Engineering, Planning & Building)*

21. The Developer shall design landscape and irrigation plans such that street tree placement is not in conflict with the sight visibility of any traffic signage. The Developer shall be responsible for the removal of any obstructions within the sight visibility of said traffic signs to the satisfaction of the City Engineer and the Director of General Services. *(Engineering, Planning & Building)*
22. Any grading plans depicting a temporary construction access road shall show the following information and be subject to the following requirements:
 - a. Provide a detail alignment, profile and cross-section of the temporary construction access road. In addition, show the limits of grading for the temporary construction access road on grading plans.
 - b. Provide limits of grading to address slope stabilization.
 - c. Prior to recordation of the Final Map, the Developer shall enter into an agreement with the City concurring to remove the temporary construction access road and restore the slope to current conditions. The temporary construction access road shall be revegetated with native vegetation in accordance with the Mitigation Monitoring and Reporting Program (MMRP) immediately upon closure of the temporary access road.
 - d. The Developer shall provide hydraulic and hydrology reports which shall address any issues related to the construction of the temporary road.
 - e. The Developer shall provide a letter of permission to grade from current property owner
 - f. The Developer shall provide traffic control plans that shall include, but not be limited to
 - Ingress/Egress to site (possible use of flag men pursuant to CalTrans traffic control standards.)
 - Exhibit that shows 500-ft to the north and to the south of the proposed access to Wueste Road.
 - g. Provide information of proposed erosion control during construction and operation of the temporary construction access road.

- 23 Any grading plans depicting a pedestrian trail connection to the OTC shall show the following information and be subject to the following requirements:
 - a. Provide a detail alignment, profile and cross-section of the trail. In addition, show the limits of grading for the trail on grading plans.
 - b. Provide limits of grading to address slope stabilization.
 - c. The Developer shall provide hydraulic and hydrology reports should which shall address any issues related to the construction of the trail.
 - d. The Developer shall provide a letter of permission to grade from the current property owner
 - e. The Developer shall provide information of proposed erosion control during construction and operation of the trail.
- 24 Prior to issuance of any grading permit proposing the creation of down slopes adjacent to public or private streets, the Developer shall accomplish the following:
 - a. Obtain the City Engineer's approval of a roadside study to determine the necessity of providing guardrail improvements at those locations.
 - b. Construct and secure any required guardrail improvements in conjunction with the associated grading and/or construction permit, as determined by the City Engineer. Guardrail shall be installed per CalTrans Traffic Manual and Roadside Design Guide requirements or American Association of State Highway and Transportation Officials (AASHTO) standards to the satisfaction of the City Engineer (*Engineering*)
- 25 Prior to approval of the Final Map, Developer shall agree to install permanent street name signs prior to the issuance of the first building permit for the applicable Final Map. (*Engineering*)
26. Maintenance responsibility of street trees within the Project shall be privately maintained by the EastLake Senior HOA. (*Planning & Building*)

GRADING AND DRAINAGE

- 27 Prior to approval of grading plans, the Developer shall submit hydrology and hydraulic studies, and calculations demonstrating the adequacy of downstream drainage structures, pipes and inlets. Said studies and calculations shall be to the satisfaction of the City Engineer (*Engineering*)
28. Prior to approval of grading plans, the Developer shall demonstrate the adequacy of existing drainage runoff detention facilities or include, in the grading plans, the construction of additional detention facilities, to ensure that the maximum allowable discharges after development do not exceed pre-development discharges, all to the satisfaction of the City Engineer The Developer shall provide for the future maintenance of the detention basin facilities through the establishment of a Master Home Owners Association, or other funding mechanism as approved by the City (*Engineering*)

- 29 The Developer shall submit to and obtain approval from the City Engineer and Director of General Services of an erosion and sedimentation control plan as part of grading plans. *(Engineering Arks & General Services)*
- 30 The Developer shall locate lot lines on the Final Map and grading plans at the top of slopes except as shown on the Tentative Map or as approved by the City Engineer and Director of Planning & Building. Lots shall be so graded as to drain to the street or an approved drainage system. Drainage shall not be permitted to flow over slopes or onto adjacent property *(Engineering, Planning & Building)*
- 31 The Developer shall design and construct all grading and pad elevations to be within 2 feet of the grades and elevations shown on the approved Tentative Map or as otherwise approved by the City Engineer and Director of Planning & Building. *(Engineering, Planning & Building)*
32. The Developer shall obtain and submit to the City Engineer notarized letters of permission for all off-site grading work prior to issuance of grading permit for work requiring said off-site grading. *(Engineering)*
- 33 The Developer shall connect all private storm drains from the project into the public storm drain system at a structure such as a cleanout or catch basin.
- 34 Prior to approval of the Final Map, the Developer shall submit to the City Engineer a list of proposed lots indicating whether the building structure will be located on fill, cut, or a transition between the two situations. *(Engineering)*
- 35 The Developer shall design and construct all public storm drains as close to perpendicular to the slope contours as possible, but in no case greater than 15 degrees from perpendicular to the contours. *(Engineering)*
36. The Developer shall provide a minimum of three (3) feet of flat ground access from the face of any wall to the beginning of the slope rounding for wall maintenance, unless otherwise approved by the City Engineer *(Engineering)*
- 37 The Developer shall provide a setback, as determined by the City Engineer based on Soil Engineer recommendations, between the property lines of the proposed lots and the top or toe of any slope to be constructed where the proposed grading adjoins undeveloped property or property owned by others. The City Engineer shall not approve the creation of any lot that does not meet the required setback. *(Engineering)*
38. The Developer shall design and construct the inclination of each cut or fill surface, resulting in a slope, to not be steeper than 2.1 (two horizontal to one vertical), except for minor slopes as herein defined. All constructed minor slopes shall be designed for proper stability considering both geological and soil properties. A minor slope may be constructed no steeper than one and one-half horizontal to one vertical (1.5 1) contingent upon.
 - a. Submittal and approval of reports by both a soils engineer and a certified engineering geologist containing the results of surface and sub-surface exploration, and analysis. The soils engineer and engineering geologist shall certify that in their professional opinion, the underlying bedrock and soil supporting the slope have strength characteristics sufficient to provide a stable slope and will not pose a danger to persons or property

- b. The installation of an approved slope planting program and irrigation system to the satisfaction of the Director of Planning & Building.
 - c. "Minor Slope" is defined as a slope 4 feet or less in vertical dimension in either cut or fills, between single-family lots and not parallel to any roadway (*Engineering*)
- 39 Prior to issuance of grading permits or any other grant of approval for any landform modification, the Developer shall delineate areas of native vegetation to remain undisturbed based on adopted grading plans. (*Planning & Building*)
 40. The Developer shall construct temporary desilting basins at all discharge points adjacent to drainage courses or where substantial drainage alteration is proposed in the grading plan. The exact design and location of such facilities shall be based on hydrological modeling, and determined pursuant to direction by the City Engineer (*Engineering*)
 - 41 Prior to issuance of a grading permit for any area of the project (including off-site areas) draining toward the Lower Otay Reservoir, Developer shall accomplish the following:
 - a. Obtain the approval of the City of Chula Vista and all other applicable agencies for any proposed structural drainage runoff detention and/or diversion facilities within the Lower Otay Reservoir Watershed.
 - b. Obtain the approval of the City of Chula Vista and all other applicable agencies of all operational and maintenance agreements associated with any proposed structural drainage runoff detention and/or diversion facilities within the Lower Otay Reservoir Watershed. (*Engineering*)
 42. In order to avoid indirect impacts on the Lower Otay Reservoir the Developer and their successors and assigns agree that fertilizers, herbicides and pesticides shall not be applied to any proposed manufactured slopes that drain to Lower Otay Reservoir. Potable water shall be used for irrigation of any landscaping on the proposed manufactured slopes that drain to Lower Otay Reservoir. In addition, the storm conveyance systems shall include the use of the City of San Diego's Source Water Protection Guidelines for New Development [2004] and incorporate best site design and source controls to protect drinking water. (*Planning & Building, Environmental, Engineering*)
 - 43 Prior to the issuance of a grading permit for the project, the Developer shall demonstrate to the satisfaction of the City Engineer, that proposed storm drain discharge does not exceed pre-development discharge. (*Engineering*)
 - 44 Prior to issuance of a grading permit, the Developer shall demonstrate that the grading plans are in substantial compliance with the grading outlined in the Tentative Map. (*Engineering, Planning & Building*)
 - 45 The Development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA), as set forth in the National Pollutant Discharge Elimination System (NPDES), permit requirements for urban runoff and storm water discharge, the Clean Water Act, and any regulations adopted by the City of Chula Vista, pursuant to the NPDES regulations or requirements. Further, the Developer shall file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading

activities. The SWPPP shall include both construction and post construction pollution prevention and pollution control measures and shall identify funding mechanisms for post construction control measures. The Developer shall comply with all the provisions of the NPDES and the Clean Water Program during and after all phases of the development process, including, but not limited to, mass grading, rough grading, construction of street and landscaping improvements, and construction of dwelling units. The Developer shall design the Project storm drains and other drainage facilities to include Best Management Practices to minimize non-point source pollution, to the satisfaction of the City Engineer. *(Engineering, Public Works)*

46. Prior to the approval of the final map, or issuance of the first grading permit for the Project, whichever occurs earlier, the Developer shall enter into an agreement with the City of Chula Vista, wherein the Developer agrees to the following:
 - a. Comply with the requirements of the Municipal Storm Water Permit (Order No. 2001-01) or as amended from time to time, issued by the San Diego Regional Water Quality Control Board, including revision of plans as necessary
 - b. Defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action, proceeding, fines, costs, and expenses against the City, or its agents, officers, or employees arising out of non-compliance with the requirements of the NPDES regulations, in connection with the execution of any construction and/or grading work for the Project, whether the non-compliance results from any action by the Developer, any agent or employee, subcontractors, or others. The Developer's indemnification shall include any and all costs, expenses, attorney's fees and liability incurred by the City
 - c. That the City Engineer may require incorporation of Standard Urban Water Mitigation Plan (SUSMP) requirements during the implementation period preceding the adoption of the local SUSMP by the City for all priority projects or phases of priority projects undergoing approval process, in accordance with Order No. 2001-01, NPDES No. CAS0108758 Municipal Permit, as determined by the City Engineer.
 - d. To not protest the formation of a facilities benefit district or any other funding mechanism approved by the City to finance the operation, maintenance, inspection, and monitoring of NPDES facilities. This agreement to not protest shall not be deemed a waiver of the right to challenge the amount of any assessment, which may be imposed due to the addition of these improvements and shall not interfere with the right of any person to vote in a secret ballot election.

The above noted agreement shall run with the land contained within the Project.
(Engineering, Public Works)

SEWER

47. The Developer shall design all sewer access points (manholes) to be located at centerline of street, cul-de-sac center, or at the center of a travel lane, unless otherwise approved by the City Engineer *(Engineering)*
48. The Developer shall provide improved all-weather paved access to all public sewer manholes to withstand H-20 wheel load or other loading as approved by the City Engineer *(Engineering)*

- 49 Sewer access points (manholes) shall not be located on slopes or in inaccessible areas for maintenance equipment. *(Engineering)*
50. The Developer shall provide sewer manholes at all changes of alignment of grade, unless otherwise approved by the City Engineer Sewers serving 10 or less equivalent dwelling units shall have a minimum grade of 1%. *(Engineering)*
- 51 All PCC paved sewer and/or drainage maintenance access roads shall be 6 inches in thickness and contain #4 reinforcement bars at 18 inches on center each way to prevent differential displacement between concrete panels. *(Engineering)*
52. Sewer main pipes shall not run parallel and under slopes greater than 5:1 unless otherwise approved by City Engineer. *(Engineering)*
- 53 Sewer lines, which are greater than 20 feet in depth, shall use C-900 or C-905 class pipe, as approved by the City Engineer *(Engineering)*
- 54 Developer shall process the conversion to a public facility of the 8 inch PVC private sewer main, located within the 20-foot sewer easement, in Lot "A" of Parcel Map No. 19091 The conversion to a public facility of the sewer main shall include, but not be limited to the following:
 - a. The access road above the sewer line shall be concrete paved and shall comply with City Standards.
 - b. Sewer manhole covers will need to be per RSD M4 Locking Device.

WATER

- 55 Prior to approval of the Final Map, the Developer shall present verification to the City Engineer in the form of a letter from Otay Water District indicating that the assessments/bonded indebtedness for all parcels dedicated or granted in fee to the City have been paid, or that no assessments/bonded indebtedness exist on the parcel(s). *(Engineering)*
56. Prior to approval of the Final Map, the Developer shall present verification to the City Engineer in the form of a letter from Otay Water District that the subdivision will be provided adequate water service and long-term water storage facilities. The Developer shall phase and install water system improvements as required by the Otay Water District. *(Engineering, Planning & Building)*

AGREEMENTS/FINANCIAL

- 57 Prior to approval of the Final Map, the Developer shall enter into a Supplemental Subdivision Improvement Agreement with the City where the Developer agrees to the following:
 - a. That the City may withhold building permits for the subject subdivision if any one of the following occurs:

- i. Regional development threshold limits set by the East Chula Vista Transportation Phasing Plan, as amended from time to time, have been reached or in order to have the Project comply with the Growth Management Program as may be amended from time to time.
 - ii. Traffic volumes, levels of service, public utilities and/or services either exceed the adopted City threshold standards or fail to comply with then effective Growth Management Ordinance, and Growth Management Program and any amendments thereto. Public utilities shall include, but not be limited to, air quality, drainage, sewer and water
 - iii. The required public facilities, as identified in the PFFP, or as amended or otherwise conditioned have not been completed or constructed to the satisfaction of the City. The Developer may propose changes in the timing and sequencing of development and the construction of improvements affected. In such case, the PFFP may be amended, as approved by the City's Director of Planning and Building and the Public Works Director (*Engineering, Planning & Building*)
- b. Defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this subdivision pursuant to Section 66499.37 of the State Map Act; provided the City promptly notifies the Subdivider of any claim, action or proceeding, and on the further condition that the City fully cooperates in the defense. (*Engineering, Planning & Building*)
 - c. Permit all cable television companies franchised by the City of Chula Vista equal opportunity to place conduit and provide cable television service for each lot or unit within the Tentative Map area. Developer further agrees to grant, by license or easement, and for the benefit of, and to be enforceable by, the City of Chula Vista, conditional access to cable television conduit within the properties situated within the final map only to those cable television companies franchised by the City of Chula Vista, the condition of such grant being that: (a) such access is coordinated with Developer's construction schedule so that it does not delay or impede Developer's construction schedule and does not require the trenches to be reopened to accommodate that placement of such conduits; and (b) any such cable company is and remains in compliance with, and promises to remain in compliance with the terms and conditions of the franchise and with all other rules, regulations, ordinances and procedures regulating and affecting the operation of cable television companies as same may have been, or may from time to time be, issued by the City of Chula Vista. Developer hereby conveys to the City of Chula Vista the authority to enforce said covenant by such remedies as the City determines appropriate, including revocation of said grant upon determination by the City of Chula Vista that they have violated the conditions of grant. (*Engineering, Planning & Building*)
 - d. That the City may withhold the issuance of building permits for the Project, should the Developer be determined by the City to be in breach of any of the terms of the Tentative Map Conditions or any SSIA. The City shall provide the Developer of notice of such determination and allow the Developer reasonable time to cure said breach. (*Engineering, Planning & Building*)

- e. Hold the City harmless from any liability for erosion, siltation or increase flow of drainage resulting from this project. *(Engineering, Planning & Building)*
 - f. Participate, on a fair share basis, in any deficiency plan or financial program adopted by SANDAG to comply with the Congestion Management Program (CMP). *(Engineering)*
 - g. To not protest the formation of any future regional impact fee program or facilities benefit district to finance the construction of regional facilities. This agreement not to protest shall not be deemed a waiver of the right to challenge the amount of any assessment which may be imposed due to the addition of these new improvements and shall not interfere with the right of any person to vote in a secret ballot election. *(Engineering)*
58. Prior to approval of the Final Map, the Developer shall provide a deposit in the amount of \$20,000.00 payable to the City of Chula Vista for Capital Improvement Project "Transit Facilities Citywide" STL-312- Acct # 40300-7999/2415312403400000 for future transit improvements to the satisfaction of the City of Chula Vista Transit Coordinator *(Engineering, Planning & Building)*
- 59 Prior to approval of the Final Map, the Developer shall comply with all previous agreements as they pertain to this tentative map. *(Engineering, Planning & Building)*
60. Prior to approval of the Final Map, the Developer shall contract with the City's current street sweeping franchisee, or other server approved by the Director of Public Works to provide public street sweeping for each phase of development on a frequency and level of service comparable to that provided for similar areas of the City The Developer shall cause street sweeping to commence immediately after the final residence, in each phase, is occupied and shall continue sweeping until such time that the City has accepted the street, or 60 days after the completion of all punch list items, whichever occurs first. The Developer further agrees to provide the City Special Operations Manager with a copy of the memorandum requesting street sweeping service. Such memorandum shall include a map of areas to be swept and the date the sweeping will begin. *(Public Works)*
- 61 Prior to approval of the Final Map for the project, the Developer shall enter in an agreement with the City to provide affordable housing units as specified in the EastLake Comprehensive Affordable Housing Program, or as amended from time to time. *(Community Development)*
62. Prior to approval of the Final Map, the Developer shall provide evidence, satisfactory to the Director of Planning & Building that all school fees have been paid, if required, and all development conditions for the Sweetwater High School and Chula Vista Elementary School Districts are satisfied. *(Planning & Building)*
- 63 The Developer shall implement the final Air Quality Improvement Plan (AQIP) measures as approved by the City Council, and as may be amended from time to time, and shall comply and remain in compliance with the AQIP

- 64 The Developer acknowledges that the City Council may, from time-to-time, modify air quality improvement and energy conservation measures as technologies and/or programs change or become available. The Developer shall modify the AQIP to incorporate those new measures upon request of the City, which are in effect at the time, prior to or concurrent with each Final Map approval within the Project. The new measures shall apply to development within all future map areas, but shall not be retroactive to those areas, which receive Final map approval prior to effect of the subject new measures. The Developer acknowledges and agrees that the City has adopted the City of Chula Vista Air Quality Improvement Plan Guidelines (AQIP Guidelines) as approved per Resolution No. 2003-260 and that such guidelines as approved and as may be amended from time-to-time shall be implemented.
- 65 The Developer shall implement the final Water Conservation Plan (WCP) measures as approved by the City Council, and as may be amended from time to time, and shall comply and remain in compliance with the WCP (*Planning & Building, Environmental*)
66. The Developer acknowledges that the City Council may, from time-to-time, modify water conservation measures as technologies and/or programs change or become available. The Developer shall modify the WCP to incorporate those new measures upon request of the City, which are in effect at the time, prior to or concurrent with each Final Map approval within the Project. The new measures shall apply to development within all future map areas, but shall not be retroactive to those areas, which receive Final Map approval prior to effect of the subject new measures. The Developer acknowledges and agrees that the City has adopted the City of Chula Vista Water Conservation Plan Guidelines (WCP Guidelines) as approved per Resolution No. 2003-234 and that such guidelines as approved and as may be amended from time-to-time shall be implemented.
- 67 Prior to issuance of building permits, the Developer shall be required to submit a detailed acoustical analysis to the Environmental Review Coordinator prepared by a qualified acoustical consultant that demonstrates that building structures are adequately designed such that second-floor interior noise levels, due to exterior sources, will be at or below the 45 CNEL interior standard. Where exterior noise levels exceed 60 CNEL, additional measures shall be required to attenuate interior noise to the 45 CNEL standard in compliance with the noise mitigation measures required in FSEIR 05-02 and the associated MMRP (*Planning & Building, Environmental*)

PARKS, TRAILS AND LANDSCAPE

68. Prior to approval of the first Final Map for the Project, the Developer shall comply with the provisions of the City of Chula Vista Parks and Recreation Master Plan as adopted, and amended from time to time, and as it affects facility and other related requirements for the Project's parks. (*General Services*)
- 69 Prior to approval of the first Final Map, the Developer shall pay to the City all applicable parkland acquisition and development fees (PAD fees) in accordance with CVMC Chapter 17 10, Parkland Dedication Ordinance ("PDO"). Given the lack of available acreage that could be acquired to serve the development, the acquisition component of the PAD Fee will be waived

and a payment of \$2,666,260 will be made which can be utilized to fund construction of park and public facilities serving the EastLake Community. Any excess funds that remain once these facilities are complete can be utilized on other park or public facilities serving the Eastern Territories of Chula Vista. The Developer shall pay the development component of the PAD Fee as required by the Director of General Services Department. (*General Services*)

- 70 Regular maintenance of the Greenbelt and Community trails and open space shall be the responsibility of the EastLake III HOA. Prior to approval of the Final Map, the Developer must provide evidence that the aforementioned maintenance responsibility has been included in the EastLake III HOA budget to the satisfaction of the City Engineer (*Engineering*)
71. Prior to the issuance of grading permit, or as otherwise approved by the Director of General Services, the Developer shall prepare, submit and obtain the approval of the Director of General Services, City Engineer and Environmental Review Coordinator for a landscape and irrigation slope erosion control plan. All plans shall be prepared in accordance with the current Chula Vista Landscape Manual (as may be amended from time to time), Grading Ordinance and Biology section of the SEIR 05-02. Developer shall install erosion control in accordance with approved plans no later than six months from the date of issuance of grading permit. (*General Services, Engineering, Planning & Building Environmental*).
72. Prior to the issuance of the first construction permit for the project, the Developer shall prepare, submit and obtain the approval of the City Engineer and the Director of Parks & Recreation, for open space, parkways, medians, trails and streets Landscape and Irrigation Improvement Plans. All plans shall be prepared in accordance with the current Chula Vista Landscape Manual and the SPA, as amended from time to time. Developer shall install all improvements in accordance with approved plans to the satisfaction of the Director of General Services, the Director of Public Works, and the City Engineer (*General Services, Engineering*)
- 73 Prior to the approval of any Final Map for the Project that contains open space, the Developer shall enter into an agreement to secure and construct open space landscape improvements within the Final Map area. All landscape improvements shall be bonded for in amounts as determined by the Director of Parks & Recreation and approved as to form by the City Attorney. Developer shall prepare, submit and obtain the approval for the Director landscape improvement plans simultaneously with improvement plans for the applicable Final Map areas. (*General Services, Planning & Building*)
- 74 The EastLake III Senior Housing Project's Homeowners Association ("HOA") CC&Rs shall contain the requirement that, should the HOA seek to be released by the City from the maintenance obligations for the project's open space and trails, the HOA shall first obtain written consent from the City, which may be withheld at the City's sole discretion, and 100% of the property owners within the HOA. (*General Services, Planning & Building*)
- 75 Developer agrees to immediately relocate, at Developer's sole expense, the necessary above and/or underground utilities to accommodate the required street trees within the street tree planting easement and median, as determined necessary by the Director of General Services and the City Engineer (*General Services, Engineering*)

EASEMENTS

76. The Developer shall grant on the Final Map minimum 15-foot wide easements to the City of Chula Vista as required by the City Engineer for construction and maintenance of public sewer facilities, as applicable. *(Engineering)*
77. The Developer shall grant on the Final Map minimum 15-foot wide easements to the City of Chula Vista as required by the City Engineer for construction and maintenance of public storm drain facilities, as applicable. *(Engineering)*
78. The Developer shall grant to the City on the Final Map, a minimum of 10-foot wide easement (5 feet wide for general utilities and 5 feet wide for landscape purposes) adjacent to street right-of-way within public open space lots, unless otherwise approved by the City Engineer *(Engineering)*
79. The Developer shall grant on the Final Map, a 20-foot minimum sewer and access easement for sewer lines located between residential units, unless otherwise required by the City Engineer. All other easements shall meet City standards for required width. *(Engineering)*
80. Prior to recordation of the Final Map the Developer shall process the granting to the City of Chula Vista of the 20-foot sewer easement or a reduced width acceptable and approved by the City Engineer, within Lot "A" of Parcel Map No. 19091 *(Engineering)*
81. Prior to recordation of the Final Map the Developer shall acquire an easement from the owner of Parcel A of Parcel Map No. 19955, for those portions of the Fire Access Road encroaching into the above referenced Parcel A. *(Engineering)*

MISCELLANEOUS

82. Prior to approval of the Final Map, the Developer shall submit copies of the Final Map in a digital format. The drawing projection shall be in California State Plane Coordinate System (NAD 83, Zone 6). The digital file of the final maps shall combine all map sheets into a single CADD drawing, in DXF, DWG or Arc View (GIS) format and shall contain the following individual layers:
 - a. Subdivision Boundary (closed polygons)
 - b. Lot Lines (closed polygons)
 - c. Street Centerlines (polygons)
 - d. Easements (polylines)
 - e. Street names (annotation). *(Engineering)*

FIRE AND BRUSH MANAGEMENT

83. Prior to approval of the first grading permit or Final Map for the Project, the Developer shall submit and receive approval by the Director of General Services and the City's Fire Marshall of a Brush Management Program for the Project- showing three fire protection zones up to 90 feet from all buildings or as determined appropriate by the Director of General Services and City's Fire Marshall. *(Fire, General Services)*

- 84 Prior to issuance of the grading permit, provide the Initial Cycle of fire management/brush clearance within lots adjacent to natural open space areas subject to approval by the Fire Marshal and Director of General Services (*Fire, General Services*)
- 85 The Developer shall provide fire hydrants every 300 feet for multi-family residential units. All hydrants shall be operable prior to delivery of combustible building materials, and minimum 20-foot wide, all-weather fire access roads shall also be provided or an acceptable alternative approved by the Fire Marshall and in compliance with the C.F.C. (*Fire*)
86. Prior to issuance of the first building permit for model units, provide a 20-foot wide hard surface and required fire hydrant with required water pressure to the satisfaction of the Fire Marshall. All production units shall require permanent access and water supply. The Applicant shall sign/date and reproduce the construction access/water supply agreement on all grading and architectural plans. (*Fire*)

CODE REQUIREMENTS

- 87 The Developer shall comply with all applicable sections of the Chula Vista Municipal Code including Chapter 15.04 "Grading Ordinance" as amended. Preparation of the Final Map and all plans shall be in accordance with the provisions of the Subdivision Map Act and the City of Chula Vista Subdivision Ordinance and Subdivision Manual. (*Engineering*)
88. The Developer shall underground all utilities within the subdivision in accordance with Municipal Code requirements to the satisfaction of the City Engineer (*Engineering*)
- 89 The Developer shall comply with all relevant Federal, State, and Local regulations, including the Clean Water Act. The Developer shall be responsible for providing all required testing and documentation to demonstrate said compliance as required by the City Engineer (*Engineering*)
90. The Developer shall comply with Council Policy No. 522-02 regarding maintenance of natural channels within open spaces. (*Engineering*)
- 91 The Developer shall pay the following fees in accordance with the City Code and Council Policy:
 - a. The Transportation and Public Facilities Development Impact Fees
 - b. Signal Participation Fees
 - c. All applicable sewer fees, including but not limited to sewer connection fees
 - d. Salt Creek Sewer DIF

The Developer shall pay the amount of said fees in effect at the time of issuance of building permits. (*Engineering, Planning & Building*)

GROWTH MANAGEMENT/PUBLIC FACILITIES FINANCING PLAN (PFFP)/ PHASING

92. Developer shall comply with Chapter 19.09 of the Chula Vista Municipal Code (Growth Management) as may be amended from time to time by the City. Said chapter includes but is not limited to, threshold standards (19.09.04), public facilities finance plan implementation (19.09.090), and public facilities finance plan amendment procedures (19.09.100). (*Engineering, Planning & Building*)
- 93 Developer shall develop the Project in accordance with the approved SPA and PFFP phasing plan. (*Engineering, Planning & Building*)

HOMEOWNERS ASSOCIATIONS (HOA)/DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS CC&Rs)

- 94 The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted and approved by the City Engineer, City Attorney, Director of Planning & Building, Director of General Services and Director of Public Works. The CC&Rs shall include but not be limited to the following obligations:
- a. A requirement that the EastLake III Senior Housing Project HOA shall maintain comprehensive general liability insurance against liability incident to ownership or use of the EastLake III Senior Housing Project Homeowners property
 - b. Before any revisions to provisions of the CC&Rs that may particularly affect the City can become effective, said revisions shall be approved by the City. The EastLake III Senior Housing Project HOA shall not seek approval from the City of any revisions of conditions relating to the CC&Rs pursuant to the conditions of approval without the prior consent of 100% of the holders of first mortgages or property owners within the EastLake III Senior Housing Project HOA.
 - c. The EastLake III Senior Housing Project HOA shall defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action, or proceeding against the City, or its agents, officers, or employees related to or arising from the maintenance activities of the MHOA.
 - d. The EastLake III Senior Housing Project HOA shall not seek to be released by the City from the maintenance obligations described herein without the prior consent of the City, which may be withheld in the City's sole discretion, and 100% of the holders of first mortgages or property owners within the MHOA.
 - e. The EastLake III Senior Housing Project HOA is required to procure and maintain a policy of comprehensive general liability insurance written on a per occurrence basis in an amount not less than one million dollars combined single limit. The policy shall be acceptable to the City and name the City as additionally insured.

- f. The CC&Rs shall include provisions assuring EastLake III Senior Housing Project HOA membership an advance notice such as the USA Dig Alert Service in perpetuity
- g. The CC&Rs shall include provisions that provide the City the right, but not the obligation, to enforce the CC&R provisions in the same manner as any owner in the Project.
- h. The CC&R provisions may not be revised at any time without prior written permission of the City
- i. The EastLake III Senior Housing Project HOA shall not seek to dedicate or convey for public streets, land used for private streets without approval of 100% of all the HOA members or holders of first mortgages within the HOA.
- j In order to avoid indirect impacts to Lower Otay Reservoir, the Developer and their successors and assigns agree that fertilizers, herbicides and pesticides shall not be applied to any manufactured slopes that drain to Lower Otay Reservoir Potable water shall be used for irrigation on the manufactured slopes that drain to Lower Otay Reservoir In addition, the storm conveyance systems shall include the use of the City of San Diego's Source Water Protection Guidelines for New Development (2004) and incorporate best site design and source controls to protect drinking water

95 Future property owners shall be notified during escrow by a document to be initialized by the owners of the maintenance responsibility of the EastLake III Senior Housing Project HOA and their estimated annual cost. The Developer shall submit the document and obtain the approval of the City Engineer and Director of Planning and Building prior to approval of the Final Map for the Project. (*Engineering, Planning & Building*)

VIII. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Resolution.

IX. INVALIDITY, AUTOMATIC REVOCATION

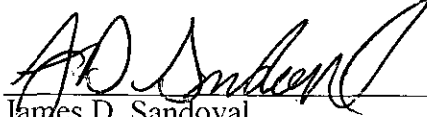
It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision and condition herein stated; and that in the event that any one or more terms, provision, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, this resolution shall be deemed to be automatically revoked and of no further force and effect ab initio.

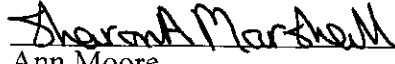
It is in the public's interest for City to require EastLake to indemnify the City against the adverse risks and costs of a challenge to City's actions in approving the Tentative Subdivision Map for EastLake III Senior Housing Project, Chula Vista Tract 06-11 and related discretionary approvals, if any; and

BE IT FURTHER RESOLVED that the Mayor of the City of Chula Vista is hereby authorized and directed to execute said agreement for and on behalf of the City

Presented by

Approved as to form by


James D. Sandoval
Planning & Building Director


Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 20th day of June 2006 by the following vote:

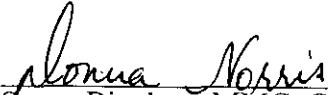
AYES. Councilmembers: Castaneda, Chavez, McCann, Rindone, and Padilla

NAYS. Councilmembers: None

ABSENT Councilmembers: None


Stephen C. Padilla, Mayor

ATTEST

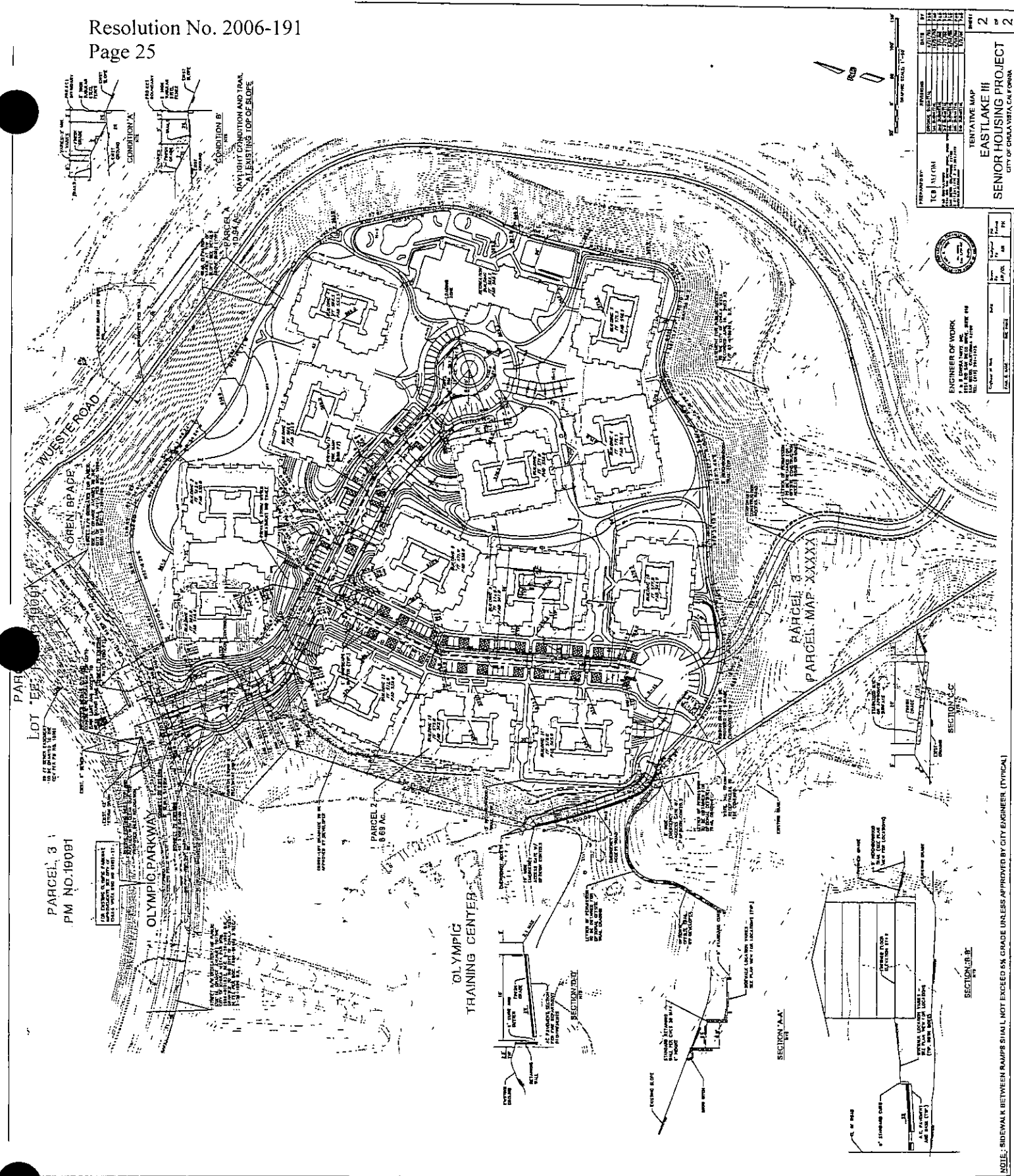
for 
Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2006-191 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 20th day of June 2006.

Executed this 20th day of June 2006


Susan Bigelow, MMC, City Clerk

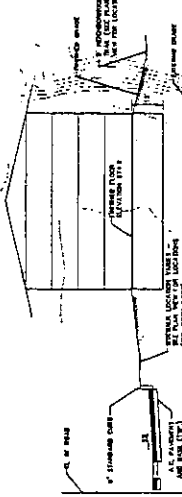


PARCEL 3
PM NO. 1909T

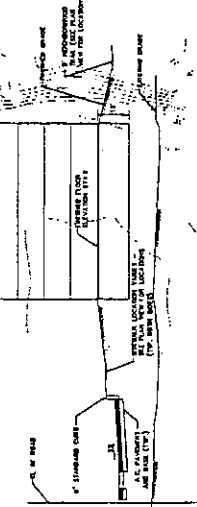
OLYMPIC PARKWAY

OLYMPIC TRAINING CENTER

PARCEL 3
PARCEL MAP XXXXX



SECTION A-A



SECTION B-B

NO.	DATE	BY	DESCRIPTION
1	04/21/06	JCB	ISSUED FOR PERMIT
2	08/14/06	JCB	ISSUED FOR CONSTRUCTION
3	08/14/06	JCB	ISSUED FOR CONSTRUCTION
4	08/14/06	JCB	ISSUED FOR CONSTRUCTION
5	08/14/06	JCB	ISSUED FOR CONSTRUCTION
6	08/14/06	JCB	ISSUED FOR CONSTRUCTION
7	08/14/06	JCB	ISSUED FOR CONSTRUCTION

TENTATIVE MAP
EASTLAKE III
SENIOR HOUSING PROJECT
CITY OF OREGON WITH OLF DESIGN



ENGINEER OF WORK
J. C. BURDICK
2500 N.W. 10TH AVENUE
PORTLAND, OREGON 97209
PHONE 503-241-0000
FAX 503-241-0000

NOTE: SIDEWALK BETWEEN RAMPS SHALL NOT EXCEED 6% GRADE UNLESS APPROVED BY CITY ENGINEER (TYPICAL)

EXHIBIT 'A'