

(R-93-1077)

RESOLUTION NUMBER R-281077

ADOPTED ON NOVEMBER 17, 1992

WHEREAS, on November 17, 1992, the Council of The City of San Diego granted Discretionary Development Plan Permit Nos. 90-0332 and 91-0313 which will permit the construction of up to 1,217 single-family residences of which 195 are to be maintained as affordable housing, two golf courses and associated clubhouse facilities, natural and improved public open space areas, and various other related site improvements and facilities necessary to implement the proposed development of this site which is located within portions of the North City Future Urbanizing Area as identified by the City's Progress Guide and General Plan and the adopted Rancho Penasquitos community planning area.

The project site is described as portions of Sections 35 & 36, Township 13 South, Range 3 West, San Bernardino Meridian; together with portions of Sections 1 & 2, Township 14 South, Range 3 West, San Bernardino Meridian, together with a portion of Section 1, Township 14 South, Range 3 West, San Bernardino Meridian, together with a portion of Section 31, Township 13 South, Range 2 West, San Bernardino Meridian; together with a portion of Parcel 2 of Parcel Map 12443. In addition Section 25 and a portion of Section 36, Township 13 South, Range 3 West, San Bernardino Meridian; together with the southwest quarter, the westerly half of the northeast quarter of the southeast quarter, Lots 4, 5 and 6 and a portion of the northwest quarter of

Section 30, Township 13 South, Range 2 West, San Bernardino Meridian; together with a portion of Section 31, Township 13 South, Range 2 West, San Bernardino Meridian; together with the southerly half of the southwest quarter, the southwest quarter of the southeast quarter, and Lots 1, 2, 3, and 4 of Section 32, Township 13 South, Range 2 West, San Bernardino Meridian; together with Lot 1 and a portion of Lot 2, and a portion of the southerly half of the southwest quarter of Section 33, Township 13 South, Range 2 West, San Bernardino Meridian; together with portions of the easterly half of the northwest and the easterly half of the southwest quarter of Section 4, Township 14 South, Range 2 West, San Bernardino Meridian; together with a portion of Parcel 1 of Parcel Map 12443 in the A-1-10, R-1-5000 (portions in the Hillside Review) zone; and

WHEREAS, on November 17, 1992, the Council of The City of San Diego considered a request by POTOMAC INVESTMENT ASSOCIATES OF SAN DIEGO, Owner/Permittee, pursuant to Section 101.0900 and other relevant regulations of the Municipal Code of The City of San Diego for Hillside Review and Resource Protection Ordinance Permits No. 90-0332 and 91-0313.

BE IT RESOLVED by the Council of The City of San Diego that the Council adopts the following written findings dated November 17, 1992:

HILLSIDE REVIEW PERMIT FINDINGS:

1. THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE OF SENSITIVE AREAS.

The proposed development will result in minimum disturbance of environmentally sensitive areas, such as hillsides and biologically sensitive areas and attempts to avoid or minimize their disturbance. This has been accomplished through lot clustering; grading controls; restrictions on location and design of tennis courts, spas and swimming pools as well as mandatory setbacks from environmentally and visually sensitive areas of the site. Development of individual lots will be governed by the Black Mountain Ranch Design Guidelines through the substantial conformance review process administered by the Development Services Director. Lots which are located in the HR zone areas have grading limitations imposed to minimize, or preclude, impacts to hillsides.

2. THE GRADING AND EXCAVATION PROPOSED IN CONNECTION WITH THE DEVELOPMENT WILL NOT RESULT IN SOIL EROSION, SILTING OF LOWER SLOPES, SLIDE DAMAGE, FLOODING, SEVERE SCARRING OR ANY OTHER GEOLOGICAL INSTABILITY WHICH WOULD AFFECT THE HEALTH, SAFETY AND GENERAL WELFARE AS APPROVED BY THE CITY ENGINEER. DISTURBED SLOPES ARE PLANTED WITH NATIVE AND SELF SUFFICIENT VEGETATION.

Implementation of mitigation measures to decrease erosion would reduce the potentially significant erosion impact to below a level of significance. Implementation of mitigation measures

will be enforced by the City Engineering and Development Department before a grading permit is issued and grading can commence. Graded slopes would be revegetated with drought tolerant, native species to ensure slope stability. Revegetation plans are subject to the requirements of the Land Development Ordinance, the City of San Diego's Landscape technical Manual as well as the approved landscape Exhibits "A" and associated EIR No. 90-0332 dated (August 27, 1992) on file in the office of the Development Services Director.

3. **THE PROPOSED DEVELOPMENT RETAINS THE VISUAL QUALITY OF THE SITE, THE AESTHETIC QUALITIES OF THE AREA AND THE NEIGHBORHOOD CHARACTERISTICS BY UTILIZING PROPER STRUCTURAL SCALE AND CHARACTER, VARIED ARCHITECTURAL TREATMENTS, AND APPROPRIATE PLANT MATERIALS.**

The retention of visual quality is adequately addressed by the fact that almost 70 percent of the site remains undeveloped, including 1,786 acres offered for dedication as part of a proposed regional park.

The natural quality of Black Mountain Ranch will be maintained by using contour grading techniques which simulate the appearance of natural terrain. Curved manufactured slopes transition into natural landforms avoiding abrupt, angular landforms. Drainage systems have been designed and located to minimize their visibility. Permanent revegetation of manufactured slopes will provide erosion control. Fire resistant and drought tolerant plants have been selected to ensure both

erosion control, visual quality and compatibility with surrounding biological communities.

4. THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE OPEN SPACE ELEMENT OF THE GENERAL PLAN, THE OPEN SPACE AND SENSITIVE LAND ELEMENT OF THE COMMUNITY PLAN, ANY OTHER ADOPTED APPLICABLE PLAN, AND THE ZONE. THE APPLICANT HAS DISCUSSED THE FEASIBILITY OF OPEN SPACE DEDICATIONS OR EASEMENTS WITH APPROPRIATE CITY STAFF.

The Environmental Tier component of the Progress Guide and General Plan shows approximately 1,900 acres of open space on the Black Mountain Ranch property. For phase one of development Black Mountain Ranch proposes to provide 2,866 acres of open space within Subarea 1A of the Framework Plan, the distribution of that open space will be 1,786 acres of permanently dedicated open space and parklands, 886 acres will be maintained as private open space and golfcourses as permian open space easements, and 204 acres to be used as transition zones for V with the City's brush management ordinance; for a total of 2,876 acres of open space. The open space being proposed on the property would provide a more effective regional open space system, connecting Black Mountain Park with the San Dieguito River.

5. THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE QUALITATIVE DEVELOPMENT GUIDELINES AND CRITERIA AS SET FORTH IN DOCUMENT NO. RR-262129 "HILLSIDE DESIGN AND DEVELOPMENT GUIDELINES."

Development of residential single family lots will be guided by the Black Mountain Ranch Design Guidelines which have been

developed in accordance with the "Hillside Design and Development Guidelines" and which provide both generalized design policy and specific, mandatory development standards. Development of biologically sensitive areas have been minimized to the extent that 2,880 acres, 70 percent of the site, will be dedicated as either open space or non-building easements. To leave large open space areas in tact, residential lots have been clustered throughout the project.

RESOURCE PROTECTION ORDINANCE PERMIT FINDINGS:

1. **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.**

The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan because, although the project is consistent with the existing General Plan Open Space and Circulation elements, and other applicable goals and policies of the General Plan.

Road alignments are consistent with the General Plan Circulation Element, other regional transportation plans, and the North City Future Urbanizing Area (NCFUA) Framework Plan. The project would offer 1,786 acres for dedication as public open space. The General Plan currently designates about 436 acres as open space within the property. The increased area of open space proposed relative to the existing General Plan designated open space on the property would provide a more effective regional open space system, connecting Black Mountain Park with the San Dieguito River and the proposed future regional open space park system.

2. THE PROPOSED DEVELOPMENT WILL CONFORM TO THE COMMUNITY PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES AND ORDINANCES.

The project is located predominantly within the Future Urbanizing Area (FUA) of the City and not covered by a community plan. Approximately 90 acres of the project site are located within the Rancho Penasquitos Community Planning area. The entire project area located within the Rancho Penasquitos Community Plan Area are proposed as permanent open space to be deeded to the City, therefore the project is consistent with the Rancho Penasquitos Community Plan. The proposed development will result in a density of one dwelling unit per four acres which is consistent with the Planned Residential Development Ordinance, City Council Policies 600-29, -20, -37, FUA policies, the Progress Guide and General Plan, applicable portions of the Framework Plan and surrounding development.

The proposed development conforms to the NCFUA Framework Plan. Moreover, the project is consistent with applicable and reasonably foreseeable or pending land use plans and policies for the area, particularly City Council Policy 600-29 concerning the maintenance of the Future Urbanizing Area as an urban reserve. The dedication of open space and construction of trails serve to implement the goals and objectives of the proposed San Dieguito River Regional Open Space Park.

3. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED CONSTRUCTED AND MAINTAINED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS ON ENVIRONMENTALLY SENSITIVE LANDS.

The project as a whole would impact approximately 121.7 acres of hillsides where approx. 42.7 acres are permitted as an encroachment allowance. For the purposes of analyzing the impacts to the project it was assumed that all residential lots within the Hillside Review areas would extend the limits of grading to the property line. This was done for the purposes of the determining the "worst case scenario" within the environmental document of impacts from individual site development plans. However, the Black Mountain Ranch Design Guidelines do not permit wholesale sheet grading within "Sensitive Grading Lots" [as defined in Exhibits "A" dated (November 17, 1992) on file in the office of the Development Services Director]. Instead, the Black Mountain Ranch Design Guidelines describe grading limitations for all sites within hillsides which require sensitive grading techniques responsive to the natural topography of the site. Individual site development plans will be reviewed through the Substantial Conformance review process administered by the Development Services Director, significantly reducing the projected impacts to hillsides for this project. Impacts to biology, native grasslands and wetlands are fully mitigated under the California Environmental Quality Act and mitigation is provided consistent with ratios established within the Resource Protection Ordinance.

4. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ENVIRONMENTALLY SENSITIVE LANDS AND RESOURCES LOCATED IN ADJACENT PARKS AND PUBLIC OPEN-SPACE AREAS AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

The project has been designed such that no encroachment into publicly owned open space areas will be required or permitted. For residential development all grading is to take place within lot lines and all structures will be sited and constructed such that compliance with the city's brush management program will not affect native vegetation in dedicated open space. Transition areas consisting of plant materials of the same density, habitat and character as those in the open space areas are required, thereby providing vegetative buffers in addition to development setback buffers required for all canyon rim lots.

5. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The project is designed overall to generally follow the existing topography of the site. Residential development in Black Mountain Ranch North is restricted to the mesa, with recreation and preserved open space in the valleys and on the hillsides. The golf course specifically is located in the valley to minimize landform alteration requirements. The majority of the residential development in Black Mountain Ranch South is located on either the mesa or the existing rolling knolls created

by past agricultural activity. The reclaimed water reservoir would be located at the head of La Zanja Canyon but would require additional earthwork to maximize storage volumes. Although the major roadways generally would not follow the natural topography, no better alignments that would avoid landform modifications are feasible.

The proposed changes to natural drainage patterns would not be significant and modifications would need to be made primarily due to road crossing. Impacts due to the increase in runoff with the introduction of streets, roads, and other hardscape surfaces will be mitigated to below a level of significance through design and implementation of a drainage system and incorporation of sediments basins and flow controls. Measures to reduce sedimentation and erosion of newly graded areas, installation of sedimentation basins and extended detention of runoff waters, use of best management practices at the golf course, and provisions for treatment of reclaimed water to control TDS and nutrient levels would reduce project impacts to below a level of significance.

Measures to reduce sedimentation and erosion during grading include providing temporary sedimentation and desilting basins between graded areas and streams, avoiding use of fine particulate in surface fill soils for manufactured slopes, providing ground cover or hay bales to retard the runoff from newly graded slopes, and hydroseeding and landscaping of cut/fill slopes within 30 days of grading.

To reduce erosion and sedimentation during and after construction of the project, nine detention/desilting basins, five on the western boundary of the project and four in the north, would be constructed. These basins would use extended detention methods to maximize their usefulness in controlling erosion and sedimentation impacts. The basins would be constructed and maintained by the project during construction. Once the project is completed, responsibility for the maintenance of the basins will be transferred to the homeowner's association.

6. FEASIBLE MEASURES, AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE, TO PROTECT AND PRESERVE THE SPECIAL CHARACTER OR THE SPECIAL HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL VALUE OF THE AFFECTED SIGNIFICANT PREHISTORIC OR HISTORIC SITE OR RESOURCE HAVE BEEN PROVIDED BY THE APPLICANT.

Feasible measures are provided by the applicant to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric or historic site or resource have been provided by of the applicant. Two archaeological sites found to be significant resources under the City's Resource Protection Ordinance, SDI-5094 and 11,981, would be preserved in dedicated open space. Five other sites that are significant resources under CEQA criteria, SDI-4832/4833, -5103, -6673, -11,982, and -11,983, would be impacted by development. These impacts would be mitigated through implementation of a data recovery program.

The project would preserve native habitats and rare plants and animals in natural open space, revegetate and enhance habitat in excess of the areas directly impacted, impose restrictions on facilities and uses, and provide buffer areas to protect habitat and wildlife. This would reduce direct project impacts to below a level of significance.

The project proposes to preserve a total of approximately 2,000 acres as natural open space. It is anticipated that about 1,786 acres of proposed open space would be offered for dedication or placed in open space easements to the City and incorporated into the proposed regional park. This would protect 772 acres of Diegan coastal sage scrub, 35 acres of southern mixed chaparral, 21.8 acres of southern willow scrub, 17.9 acres of freshwater marsh, 8.1 acres of mule fat scrub, 8 acres of native grassland, and 20 acres of chamise chaparral. Populations of San Diego thornmint, variegated dudley, barrel cactus, California adolphia, and San Diego marshelder would be retained. The remaining disturbed acres and non-native grassland would be available for future revegetation or enhancement as native grassland, Diegan coastal sage scrub, or other native communities to enhance the value of preserved habitat and to benefit wildlife.

RESOURCE PROTECTION ORDINANCE (ALTERNATIVE COMPLIANCE) FINDINGS:

Under RPO, the project may be approved through the alternative compliance provisions if the project complies with the ordinance to the maximum extent feasible and provides extraordinary benefits to the general public. The decisionmaker

may grant alternative compliance to ensure the provisions of extraordinary benefit to the general public on making findings of overriding social and economic considerations in addition to the findings enumerated a, b, and c (contained in subsequent pages of this resolution).

The main portion of the project is located within the Future Urbanizing Area (FUA) of the City and not covered by a community plan. Approximately 90 acres of the project site are located within the Rancho Penasquitos Community Planning area. The entire project area located within the Rancho Penasquitos Community Plan Area is proposed as permanent open space to be deeded to the City, therefore the project is consistent with the Rancho Penasquitos Community Plan. The proposed development will result in a density of one dwelling unit per four acres which is consistent with the Planned Residential Development Ordinance, City Council Policy 600-29, FUA policies, The General Plan, applicable portions of the Framework Plan and surrounding development.

The project offers for dedication a large block (approximately 1,786 acres) of public open space linking the San Dieguito River Valley and Black Mountain Park, which is beneficial to the public and wildlife.

The project provides a replacement location for the PGA TOUR Buick Invitational of California Golf Tournament currently held at Torrey Pines Municipal Golf Course. The tournament is a source of revenue to the City and the region, providing about \$11,000,000 in business activity and \$100,000 to local charities.

The PGA TOUR had indicated that the facilities at Torrey Pines are no longer suitable for the tournament. The PGA TOUR has indicated that without a replacement course, it would eliminate San Diego from its schedule by 1995. The projected business activity for the PGA venue is based on an economic impact study prepared by 'CIC Research Inc.' for the 1989 Shearson Lehman Hutton Open Golf Tournament.

The project would provide a 2,500-3,000-acre-foot reclaimed water reservoir. In support of the City's Water Reclamation and Reuse Master Plan, the provision of storage for reclaimed water; would reduce the amount of storage for reclaimed water that would be discharged into the ocean during off-peak demand wet-weather season; and would benefit the regional program to reuse wastewater. The project would also provide a site and participate in the construction of a 15-million-gallon potable water reservoir. The project would only require 4 million gallons, thus the remaining water storage would be of benefit to other residents of the region.

The project proposes to deed to the City the land for a net 30 acre Community Park. This dedication is far in excess of the General Plan standards for projected populations of this project. The extraordinary benefit of the Park facilities and other facilities are described in more detail within the associated Development Agreement No. 90-0332.

All these facilities are of extraordinary public benefit and contribute substantially to the encroachments into sensitive lands.

a. *There are no feasible measures that further minimize the potential adverse effects on environmentally sensitive lands while still providing the extraordinary benefit.*

The project as originally submitted attempted to avoid or minimize impacts to hillsides and biologically sensitive lands and to significant cultural resources. The project has since been modified to further reduce impacts as feasible, given the goals and objectives of the project and constraints imposed by topography, engineering, and other siting requirements. Roads, reservoirs, and other proposed facilities of public benefit contribute substantially to the encroachments into sensitive lands. The PGA TOUR requires that the project finance and construct two golf courses to accommodate the needs of the Buick Invitational of California. These golf courses, by their nature, are very large and expansive in order to address required facilities with respect to spectators, sponsors and the media. As a consequence, freestanding golf courses are not economically feasible and must be subsidized by surrounding residential development. This is accomplished by charging premiums on lots fronting the golf courses. In order to completely eliminate the impacts to environmentally sensitive lands the project would not be able to achieve its stated goals. Additionally, the encroachments for circulation element roads and other public benefit facilities alone would exceed the allowable encroachments under RPO, so that there is no

feasible way to meet the encroachment limitations of the ordinance and continue to provide these facilities.

The project proposes to provide on-site revegetation of agriculturally disturbed lands. The mitigation would provide 226 acres of Diegan coastal sage scrub, 44.4 acres of riparian habitat, and 15.8 acres of native grassland and chaparral.

b. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan. The project would implement the goals and objectives of the Progress Guide and General Plan, including its environmental goals, and the Open Space and Circulation elements. As proposed, road alignments are consistent with the intent of the General Plan Circulation element, other regional transportation plans, and the North City Future Urbanizing Area (NCFUA) Framework Plan. The project would offer 1,786 acres for dedication as public open space. The General Plan currently designates about 436 acres as open space within the property. The increased area of open space proposed relative to the existing General Plan designated open space on the property would provide a more effective regional open space system, connecting Black Mountain with the San Dieguito River and the proposed future regional open space park system. Consequently, the proposed amendments to

the General Plan would be consistent with the goals and policies of the General Plan.

c. The proposed development conforms to the adopted community plan for the area and any other applicable plans, policies and ordinances.

The proposed development conforms to the adopted community plan for the area inasmuch as the project is in the Future Urbanizing Area and the document which comes closest to a community plan is the NCFUA Framework Plan. Moreover, the project is consistent with applicable and reasonably foreseeable or pending land use plans and policies for the area, including City Council Policy 600-29 and SANDAG's September 1991 draft Congestion Management Plan. The dedication of open space and construction of trails would also implement the goals and objectives of the proposed San Dieguito River Regional Open Space Park.

**RPO ENCROACHMENT FOR HILLSIDES AND
BIOLOGICALLY SENSITIVE LANDS
(acres)**

Category	South	North	Total
Hillsides	232.0	377.0	609.0
Biology	449.0	467.0	916.0
Total sensitive lands*	557.0	637.0	1,194.0
Allowed hillside encroachment	3.8	5.7	9.5
Hillside encroachment:			
Public streets	27.3	28.2	55.5
Development	<u>56.4</u>	<u>52.5</u>	<u>108.9</u>
Total	83.7	80.7	164.4
Allowed biology encroachment	7.3	7.0	14.3
Biology encroachment:			
Sage scrub	59.4	33.5	92.9
Riparian/wetland	13.9	2.1	16.0
Other‡	<u>7.9</u>	<u>0.0</u>	<u>7.9</u>
Total	81.2	35.6	116.8
Biology mitigation requirements:‡			
Sage scrub	99.2	35.2	134.4
Riparian/wetland	41.7	6.3	48.0
Other	<u>13.1</u>	<u>0.0</u>	<u>13.1</u>
Total	154.0	41.5	195.3

* Adjusted for overlap of categories.

‡ Native grassland and chaparral.

‡ Mitigation ratios: Diegan sage scrub (62.1 acres) at 2:1; mixed non-native grassland/sage scrub (30.8 acres) at 1:1; riparian at 3:1; other at 2:1.

Black Mountain Ranch
 Resource Protection Ordinance (RPO)
 Project Encroachments

RPO Category	Total (Acres)	Encroachment (Acres)	% of Encroachment into category
Wetlands	64.0	17.7 ¹	28%
Wetland Buffer Areas	107.8	0 ²	0%
Floodways	Not mapped ³	0 ⁴	0%
Floodplain Fringe	148.1	81.1 ⁵	55%
Hillsides & Biologically Sensitive Lands ⁶	1,194.0	215.0 ⁷	18%
Significant Prehistoric & Historic Sites	21.2	0 ⁸	0%

- ¹ Primarily streets and water reservoir. Adjusted for overlap.
² After encroachments deducted.
³ FEMA does not define the floodway portions of the floodplain fringe on Black Mountain Ranch segments of Lusardi or La Zanja drainages.
⁴ A 100 year channel will be preserved.
⁵ Primarily golf courses and water reservoir.
⁶ See attached Table 5 from the EIR for breakdowns. Adjusted for overlap.
⁷ Primarily streets and water reservoir. Adjusted for overlap.
⁸ RPO significant sites are being preserved.

BRUSH MANAGEMENT FINDINGS:

1. THE PROPOSED BRUSH MANAGEMENT PROGRAM WILL MEET THE PURPOSE AND INTENT OF APPENDIX IIA OF THE UNIFORM FIRE CODE.

The proposed brush management for the following lots, North:
 Unit 2, Lots 47, 48, 57, 58, Unit 5 Lots 28, 45, 56, Unit 6
 Lots 23, 27, 28, 31, 32, 62, Unit 7 Lots 2, 12, 13, 51, 60, 61,
 62, Unit 9 Lots 1, 10, 11, 13, 14, 15, 19, 20, 25, 34, 35, 56,

57, 66, South: Unit 1 Lots 31, 44, 65, 90, and Unit 2 Lot 27 meet the intent of Appendix IIA of the Uniform Fire Code by providing a reduced Zone 1, a 5 foot high masonry wall and a Zone 2 and 3 as a fire barrier. The landscape within Zone 1 will be implemented and maintained in accordance with the standards in the City of San Diego Landscape Technical Manual (Document Number RR-274506). In all cases Zones 2 and 3 meet or exceed the requirements for those zones. Therefore, the proposed brush management program will meet the purpose and intent of Appendix IIA of the Uniform Fire Code; and

2. THE BRUSH MANAGEMENT PROGRAM WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA.

The Zone 1 (reduced) and 5 foot high masonry wall in addition to Zones 2 and 3 provide an effective firebreak. Additionally the following architectural features (in accordance with 6.6-2 of the Landscape Technical Manual) will be incorporated: fire retardant roofing, 1 hour fire resistive surfaces for eaves and overhangs on walls adjacent to open space, and wire screens on eave vents. Low gallonage irrigation with no runoff and the use of drought tolerant plant materials reduces the potential of erosion on the hillside and runoff onto adjacent properties. Therefore, the brush management program will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

3. THE PROVISIONS AS OUTLINED IN SECTIONS 6.6-2 OF THE LANDSCAPE TECHNICAL MANUAL (Document Number RR-274506) SHALL

**BE SATISFIED AND THE PROPOSED DEVELOPMENT SHALL PROVIDE
OTHER FIRE RESISTIVE FEATURES AS REQUIRED BY THE FIRE CHIEF.**

The architectural features outlined in Section 6.6-2 of the Landscape Technical Manual have been incorporated into the project in addition to the five foot high masonry wall barrier. The architectural features and the wall are discussed in Findings 1 and 2 and Permit Condition number 53. Therefore, the provisions as outlined in Section 6.6-2 of the Landscape Technical Manual (Document Number RR-274506) and the proposed development shall provide other fire resistive features as required by the Fire Chief; and

**4. COMPLIANCE WITH THE PROVISIONS OF THIS SECTION IN ADDITION
TO ANY OTHER APPLICABLE ADOPTED PLANS OR ORDINANCES WOULD
PRECLUDE REASONABLE DEVELOPMENT ON THE SITE.**

The thirty nine (39) lots requiring alternative compliance out of 1,217 lots total represents a small proportion of the development. The purpose and intent of the Uniform Fire Code is adequately met through the alternative compliance standards proposed and the brush management program will not be detrimental to the health, safety and general welfare of persons residing or working in the area. Literal compliance with the provisions of this section would require increased encroachments into open space areas. The project has already been modified to conform to the Future Urbanizing Area Draft Framework Plan to provide more open space and more visual links into the open space. Therefore, compliance with the provisions of this section in addition to the Framework Plan would preclude reasonable development on the site.

5. THE PROPOSED BRUSH MANAGEMENT PROGRAM DOES NOT ADVERSELY AFFECT FLOODPLAINS, BIOLOGICALLY SENSITIVE LANDS, HILLSIDES, SIGNIFICANT PREHISTORIC SITES AND RESOURCES, AND WETLANDS AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE.

An Environmental Impact Report (DEP number 90-0332) was completed for this project on October 5, 1992. The Environmental Impact Report identifies no significant impacts as a result of implementing the brush management program. Zone 1 occurs only within areas slated for grading. Within Zone 1 irrigation will be low gallonage with no runoff. Methods of implementation and maintenance for Zones 2 and 3 require retention of native shrubs. Therefore, the proposed brush management program does not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance; and

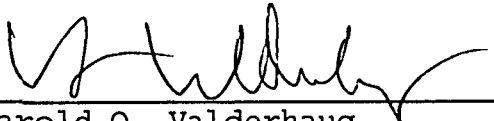
6. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL MINIMIZE THE ALTERATIONS OF VEGETATION AND WILL NOT RESULT IN UNDUE RISKS FROM EROSIONAL FORCES.

The proposed brush management program eliminates the need to clear vegetation on adjacent open space, requiring only pruning and thinning in open space areas, therefore minimizing alterations to existing vegetation. Erosional factors are mitigated by minimizing clearing and by utilizing drought tolerant plant materials and low gallonage irrigation with no runoff. Therefore, the proposed brush management program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

BE IT RESOLVED by the City Council of The City of San Diego on November 17, 1992 that Hillside Review and Resource Protection Ordinance Permit Nos. 90-0332 and 91-0313, are hereby GRANTED TO Owner/Permittee in the form and with the terms and conditions set forth in Permit Nos. 90-0332 and 91-0313, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:pev
08/28/95
Or.Dept:Clerk
R-93-1077
Form=r.permit

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT,
RESOURCE PROTECTION ORDINANCE (HILLSIDE REVIEW),
AND CONDITIONAL USE PERMIT NUMBERS 90-0332 AND 91-0313

BLACK MOUNTAIN RANCH NORTH AND SOUTH

This permit is granted by the Council of The City of San Diego to BLACK MOUNTAIN RANCH LIMITED PARTNERSHIP, Owner/Permittee, under the conditions contained in Sections 101.0900 et. al.; 101.0462 et. al.; 101.0510 et. al.; 101.0454 et. al.; Council Policies 600-10, 600-29, 600-30; and other relevant sections of the Municipal Code of The City of San Diego subject to the following conditions:

1. **Legal Description:** Permission is granted to Owner/Permittee to develop portions of the subject vacant property described as portions of sections 35 & 36, Township 13 South, Range 3 West, San Bernardino Meridian; together with portions of sections of 1 & 2, Township 14 South, Range 3 West, San Bernardino Meridian, together with a portion of section 31, Township 13 South, Range 2 West, San Bernardino Meridian; together with portions of section 1, Township 14 South, Range 3 West, San Bernardino Meridian, together with a portion of parcel 2 of Parcel Map 12443. In addition, section 25 and a portion of section 36, Township 13 South, Range 3 West, San Bernardino Meridian; together with the southwest quarter, the westerly half of the northeast quarter, the northwest quarter of the southeast quarter, Lots 4, 5, and 6 and a portion of the northwest quarter of section 30, Township 13 South, Range 2 West, San Bernardino Meridian; together with a portion of section 31, Township 13 South, Range 2 West, San Bernardino Meridian; together with the southerly half of the southwest quarter, the southwest quarter of the southeast quarter, and Lots 1, 2, 3, and 4 of Section 32, Township 13 South, Range 2 West, San Bernardino Meridian; together with Lot 1 and a portion of Lot 2, and a portion of the southerly half of the southwest quarter of section 33, Township 13 South, Range 2 West, San Bernardino Meridian; together with portions of the easterly half of the NW and the easterly half of the southwest quarter of section 4, Township 14 South, Range 2 West, San Bernardino Meridian; together with a portion of parcel 1 of Parcel Map 12443; and

This A1-10/HR, R1-5000 zoned site is located within portions of the North City Future Urbanizing Area as identified by the City's Progress Guide and General Plan and the adopted Rancho Peñasquitos Community Planning Area.

2. General Project Description: This permit shall include the total of the following facilities and improvements inclusive of the development described in the approved Exhibits "A" dated November 17, 1992 on file in the office of the Development Services Department, (also described as "Phase 1, Black Mountain Ranch North and South") including but not limited to: the "Black Mountain Ranch Design Guidelines"; tentative map numbers 90-0332 and 91-0313, Planned Residential Development Plans, Conditional Use Permit Plans, Resource Protection Ordinance/Hillside Review Permit Plans, Landscape Plans, Brush Management Plans, Trail Plans (bicycle, pedestrian and equestrian) and associated site development plans.

- a. A total of 1,217 residential units. Of this number, 195 units shall be made affordable based on affordability housing requirements contained within the associated Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17940; and
- b. A 300-acre (approximately) private golf course (open to public membership) with an associated 10-acre lot for an approximately 33,400 square foot clubhouse within the southern portion of the project and; a 250-acre (approximately) daily fee, public golf course with an approximately 25,300 square foot clubhouse; and
- c. Approximately 1,786 acres of public natural open space or developed parkland; as indicated by location and dimension on the approved Exhibits "A" dated November 17, 1992 on file in the office of the Development Services Department for this project; and
- d. Circulation Element Roads; and
- e. Portions of a Village Center including predetermined sites for the following facilities: an administrative office for the property owners association within Black Mountain Ranch; a fire station; a police station; a community center (meeting hall); a library; a recreation center; and a church which includes a senior citizen center and a day care center as accessory uses; and
- f. A reclaimed water reservoir covering approximately 101 acres (of which a maximum 70 acres of the approximately 101 acres will be water surface area) to accommodate from 2,500-3,000 acre-feet of reclaimed water; and

- g. A potable water reservoir with a capacity of 15 mgd to be built under a shared participation agreement with the City; and
- h. A 15-acre elementary school/park site (1 acre neighborhood park, 4 acre Homeowner's Association owned and maintained recreational site, and 10 acre elementary school site) located within the southern portion of the project and a 30-acre middle school/park (1 acre neighborhood park, 4 acre Homeowner's Association owned and maintained recreational site, and 25 acre middle school site) located within the northern portion of the project. Additionally, a 20-acre private school site with an associated private park will be provided within the northern portion of the project area; and
- i. A three-acre church site located within the northern portion of the project area; and
- j. Incidental accessory uses as may be determined and approved by the Development Services Director; and
- k. An approximately 80-foot-high landmark tower located within lot 11 of the Town Center; and
- l. Associated site facilities and improvements necessary to implement the development as identified by size, dimension, and location on the approved Exhibits "A" dated November 17, 1992 on file in the office of the Development Services Department.

3. Construction and Grading Conditions:

- a. **Residential Development Required Approvals:** Prior to issuance of residential building or grading permits residential development proposals will be required to:
 - a) submit plans for review to the Black Mountain Ranch Design Review Board. Said board will assist in monitoring compliance with the "Black Mountain Ranch Design Guidelines" and forward a recommendation to the Development Services Department; and
 - b) Prior to application for residential building or grading permits residential development plans shall be submitted to the Development Services Department for a determination of 'Substantial Conformance' with the approved permits; Exhibits and Design Guidelines. Refer to the Implementation section of the "Black Mountain Ranch Design Guidelines" filed in the office of the Development Services Director as Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department for detailed information on the required approval process.

- b. **Required Plans:** Prior to the issuance of building or grading permits, building plans, including landscaping, irrigation, and brush management plans for the associated area of construction (and sign plans when applicable), shall be submitted to the Development Services Director for approval. All plans shall be in substantial conformity with the approved permits; exhibits and design guidelines defined as the Exhibits "A," dated November 17, 1992, on file in the Development Services Department. This requirement shall not apply to advanced grading permits for the golf course provided however, that all mitigation measures have been addressed and revegetation plans as necessary are included with any grading associated with the golf courses.
- c. **Uniform Building Code:** The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
- d. **Exterior Radio or Television Antennas:** Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation. Single-family residential antenna dishes shall be subject to city-wide regulations.
- e. **Accessory Structures:** All accessory structures require the approval of the Development Services Director and must meet all relevant zoning and design development criteria as described in this permit and the "Black Mountain Ranch Design Guidelines."
- f. **Building Additions/Patio Covers:** No building additions, including patio covers, shall be permitted unless approved by the Development Services Director and recommended for approval by the Black Mountain Ranch Design Review Board. Such building additions and patio covers may be permitted only if they are consistent with the architecture of the dwelling unit and conform with all applicable codes and regulations.
- g. **Sidewalks:** Prior to the issuance of any building permits, the applicant shall assure that each dwelling unit, both clubhouses and all other facilities are provided with walkways that lead to the public right-of-way, as required per the Street Design Manual; and sidewalks shall be provided from each multi-family unit to a sidewalk within the dedicated right-of-way; and, if the sidewalks are contiguous to the curb of private

streets, a five-foot general utility easement must be provided behind this walk.

- h. **Sound Walls And All Other R.O.W. Improvements:** Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for the required sound walls, enhanced pavement, and any other non-standard improvement located within the public rights-of-way.
- i. **Development Criteria For the Affordable Housing on TM 91-0313:** The Affordable Housing Units located on Lots 1 and 2, Unit 3, of Tentative Map 91-0313 shall be designed and maintained in accordance with the approved Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department. Said affordable housing units may be required to be further integrated into the town center location and subsequent development phases in accordance with the Affordable Housing Agreement as described in Development Agreement No. 90-0332 adopted on July 26, 1993, by Ordinance No. O-17940.
- j. **Club House (TDM) Requirements:** Prior to the issuance of building permits for either of the two clubhouses, a Transportation Demand Management (TDM) Plan shall be submitted to, and approved by the TDM Administrator.
- k. **Lighting:** All public improvement plans and site development plans shall comply with any subsequent security lighting ordinances prior to issuance of building permits provided however that: all outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located. Development of properties immediately adjacent to natural open space areas shall be designed specifically so that light or glare shall not be cast on the open space. Night lighting of the golf courses, driving ranges and tennis courts is prohibited. Night lighting of the golf course and clubhouse parking lots within 150 feet of open space or habitat buffer zones is prohibited.
- l. **Maximum Slope Gradient:** No manufactured slope shall be steeper than a ratio of 2:1. All slopes shall be undulated in accordance with Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department to the satisfaction of the Development Services Director.
- m. **Sales Office/Temporary Signs:** Any sales office or temporary sales signs advertising the subdivision shall be approved by the Development Services Director and shall be consistent with the criteria established by the R-1-5000 zone.

- n. **Development Criteria For The Village (Including the Affordable Housing) on TM 90-0332:** Development criteria for each of the village structures are described on sheet 1 of 6, of the CUP 90-0332 drawings and all documents referenced as Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department which describes the following: Minimum lot area, Maximum FAR, setbacks, maximum heights, and parking. Such development criteria shall apply to the Association Office, Fire Station, Post Office, Community Center, Library, Senior Citizen Center, Day Care Center, Church, Recreation Center, and Affordable Housing (excluding the Open Space Landmark Tower). The Affordable Housing shall also conform with the requirements of the Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17940.
- o. **Visually Sensitive Lots:** No tennis courts will be allowed on lots identified as sensitive on Exhibits "A" (Sensitive Grading Plan), dated November 17, 1992, on file in the Development Services Department. Pools and spas will be considered on these lots provided they satisfy the criteria as outlined in the Black Mountain Ranch Design Guidelines and meet the Hillside Review Ordinance findings for development on hillsides.
- p. **Hillside Review Lots:** No tennis courts will be allowed within Hillside Review limits. Pools and spas may be considered within the HR limits through the substantial conformance review process provided that the Development Services Director can find the design of these facilities to be consistent with the Black Mountain Ranch Design Guidelines and the Hillside Review guidelines and the HR findings can be made consistent with the approved Development Plan.
- q. **Carmel Valley Road:** Carmel Valley Road from Black Mountain Road West shall be landscaped with landscaped berms medians and walls in accordance with Exhibits "A," dated November 17, 1992 on file in the office of the Development Services Department and Tentative Map Resolution No. R-281078 Condition 15 (90-0332) and Condition 15 (91-0313).
- r. **Sensitive Habitat and Species:** Prior to the issuance of grading permits the ordinances and regulations of the State Water Resource Control Board and Regional/Water Quality Control ("WQC") Board concerning surface drainage in order to assure that sensitive habitat and species located downstream of the northeast portion of the property but upstream of and near Del Dios Highway will be preserved.

5. Parking Conditions:

- a. **Single-Family Detached (SFD) Residential Units:** A minimum total of 3066 parking spaces shall be provided for the single-family residential element of the project (at a ratio of three spaces per dwelling unit). Of those spaces, a minimum of 1022 shall be provided for guests (at a ratio of one space per unit). Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department. No charge shall be made at any time for use of these off-street parking spaces.
- b. **Affordable Housing Parking:** The affordable housing units located on Lots 1 & 2 of Unit 3 in Black Mountain Ranch North and Lots 12, 13, 14, 15 of Unit 6 in Black Mountain Ranch South shall be subject to the multi-family parking requirements described in Section 101.0835 of the Municipal Code. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department. No charge shall be made at any time for use of these off-street parking spaces.
- c. **Village Center Public Facility Parking:** The parking requirements for the following public facilities must conform with the standards set forth on the approved Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department, sheet 1 of 6, of the CUP drawings: community association office, police, fire station, post office, community center, library, church, day care center recreation center and senior citizen center.
- d. **Club House And Special Event Parking:** Prior to the issuance of the associated final subdivision map or building permits for the golf courses, the applicant shall assure that adequate parking for cars and buses to serve special events is provided based upon a parking study submitted to and approved by the City Engineer. Said parking study shall be in substantial conformance to the Black Mountain Ranch Design Guidelines.

6. **Landscape Conditions:**

- a. **Timing of Landscape Installation:** The timely landscaping of the site identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated site is (designated site as identified on the scope of work of the associated permits) deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances shall be installed in accordance with the plans approved by the Development Services Director and City Engineer. Said plans shall be in substantial conformance to Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department; and, the landscaping shall be properly maintained to ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of homeowner's association that will assure responsibility for the landscape maintenance (unless otherwise specified and approved by the Development Services Director and the City Engineer). All such landscaping shall be installed prior to issuance of an occupancy permit and is subject to field inspection(s) from the Development Services Department for conformance to this permit and subsequently approved construction documents.
- b. **Textured/Enhanced Paving:** The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
- c. **Existing Landscape/Hardscape:** If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
- d. **Landscape In Medians, Turnarounds, And R.O.W's:** Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer for medians located in the cul-de-sac and turnarounds, and enhanced pavement located within the public rights-of-ways.

7. **Landscape Maintenance District:** Maintenance responsibilities for all areas of the project shall be as designated in the Black Mountain Ranch Design Guidelines and the Development Agreement. The Developer shall establish a Landscape Maintenance District acceptable to the Park and Recreation Director.

8. **Brush Management Conditions:**

- a. **Lots Affected by Brush Management:** The applicant hereby grants and relinquishes to The City of San Diego, a Municipal Corporation, any and all right to construct, erect, or maintain any structure, based on "Zone 1" of the City of San Diego Landscape Technical Manual approved by the Council of The City of San Diego and on file in the office of the City Clerk as Document No. RR-274056, upon or across those portions of the following lots: North: Unit 2: Lots 16-28, 46-58, Unit 4: Lots 1-33, 38 and 39, Unit 5: Lots 5-9, 20-28, 30-42, 44-45, 49-61, Unit 6: Lots 1-96, Unit 7: Lots 1-17, 25-41, 47-89, 93 and 94, 97-100, Unit 8: Lots 1-8, 16-19, 20, 23, 38 and 39, 41-52, Unit 9: Lots 1-66 and South: Unit 1: Lots 13-20, 26-32, 34-51, 65, 90, Unit 2: Lots 1-3, 5-15, 27, 43, 44, 63, 101-103, 141-143, 146-156, Unit 4: Lots 1-10, 27-35, 39-42, 46-53, 56-68, Unit 5: Lots 4-33, 35-37, 46-77, 80-85, 92-95, Unit 7: Lots 1, 3-17, Unit 8: Lots 4-51, 62-69, Unit 9: Lots 21-39 of the TM numbers 90-0332 and 91-0313 described in Condition number 1, unless approved by the Fire Chief and the Development Services Director. The foregoing shall not be construed as grant of any rights to the general public.
- b. **Submittal and Implementation of Brush Management Requirements:** Prior to issuance of any grading or building permits (except for the land development permit for the PGA golf courses), a complete set of brush management working drawings shall be submitted to the Development Services Director for approval. The plans shall be in substantial conformity to Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department, and shall comply with the applicable provisions of the City of San Diego Landscape Technical Manual, Document No. RR-274506. The approved Brush Management Program shall be implemented before issuance of any occupancy permit on any building. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained, at all times, in accordance with the guidelines of the City of San Diego Landscape Technical Manual. The property owner will maintain Zone 1 as defined on Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department and the Homeowner's Association will maintain Zones 2 and 3 as defined on Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department on a permanent basis in accordance with the City of San Diego Landscape Technical Manual.
- c. **Alternative Compliance to Brush Management:** All lots requiring brush management alternative compliance as

set forth in the Brush Management section of the Black Mountain Ranch Design Guidelines Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department will incorporate the following features: a five foot high masonry wall between reduced Zone 1 and Zone 2 and the architectural features in Section 6.6-2 of the City of San Diego Landscape Technical Manual (Document No. RR-274506).

- d. **Brush Management at Undeveloped Sites:** All undeveloped sites adjacent to occupied structures will be maintained by the developer in a fire safe condition so as not to be a fire hazard to occupants of the structures.
9. **Fire Department Conditions:** Prior to the issuance of any building permits, the applicant shall:
- a. **Building Addresses:** Ensure that building address numbers are visible and legible from the street (Uniform Fire Code ("UFC") § 10.208).
 - b. **Fire Hydrants:** The Owner/Permittee shall, immediately following the recordation of the tentative maps and prior to the preparation of the final tentative maps, submit for approval by the City Fire Marshall, exact locations for all fire hydrants on the plot plan (UFC § 10.301); and shall install such fire hydrants at locations satisfactory to the Fire Department and the City Engineer prior to the issuance of any occupancy permits.
 - c. **Fire Access:** Provide access in conformance with Fire Department Policy A-89-1 (UFC § 10.207).
 - d. **Compliance with Brush Management:** Comply with the City of San Diego *Landscape Technical Manual* regarding brush and landscaping in accordance with Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Department.
 - e. **Fire Truck Access at Private Divided Road:** Prior to the issuance of any building permits, the applicant shall insure that the private divided road is designed with 20-foot wide minimum travel lanes (the 16-foot width proposed may be inadequate) on each side of the median, unless approved otherwise by the Fire Marshall and City engineer.
 - g. **Traffic Circles:** Prior to the issuance of any building permits, the applicant shall assure that all public traffic circles are provided with unobstructed 100-foot centerline radius travel lanes and provided with line-of-sight distances satisfactory to the City Engineer.

10. **School Final Agreement:** Prior to the recordation of final maps the Owner/Permittee of this permit must enter into an approved "final" agreement with the Poway Unified School District for the school facilities serving the subject permit as specified in Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17940.
11. **Engineering Conditions:**
- a. **Conformance With Tentative and Final Subdivision Map Conditions:** The permit shall comply at all times with the conditions of the final map for Tentative Map Nos. 90-0332 and 91-0313.
 - b. **Recordation of Final Subdivision Maps:** Prior to the issuance of any building or grading permits, final subdivision maps (in conformance with tentative maps nos. 90-0332 and 91-0313) shall be recorded on the property subject to this permit (with the exception of the land development permit for the golf course and its related public improvements which may be issued in advance of the recordation of the final maps.)
 - c. **Traffic Signals:** Prior to the issuance of any building permits in Unit 3 of Tentative Map No. 91-0313, the applicant shall install a traffic signal at the intersection of Street "Z" and Camino del Norte, satisfactory to the City Engineer. The applicant shall also assure that adequate line-of-sight distance is provided at this intersection, satisfactory to the City Engineer.
 - d. **Street Lighting:** Prior to the issuance of any building permits, the applicant shall install street lights at specific locations associated with such building construction, satisfactory to the City Engineer.
 - e. **Tunnel Structure at Camino Ruiz:** Prior to the issuance of any building permits, the applicant shall obtain Council approval for the underground encroachment (tunnel) which crosses under Camino Ruiz from Black Mountain Ranch Village. The tunnel design shall conform to Council Policy 700-18 and shall be satisfactory to the City Engineer; and such tunnel shall be maintained by a maintenance district.
 - f. **Parking Lot Entrances:** Prior to the issuance of any building permits, the applicant shall insure that all parking lot entrances are designed with a minimum 20-foot width (26-foot width adjacent to hydrants) and a minimum of 24 feet in width at locations specified by the Fire Marshall to the satisfaction of the Fire Marshall.

- g. **Non-Building Area:** A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space.
12. **Fees subject to the provisions of Development Agreement 90-0332 adopted on July 26, 1993 by Ordinance No. O-17940:**
- a. **Building Permit Park Fees:** This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
 - b. **Impact Fees:** This community may be subject to impact fees, as established by the Council, at the time of issuance of building permits.
14. **Environmental Mitigation Conditions:**
- a. The Design Review Guidelines with specific criteria for siting, landscape, and architecture that would reduce the visual and physical encroachment of development into the Focused Planning Area of the San Dieguito Regional Park and to reduce landform alteration for residential lots shall be reviewed and approved by the Principal Planner of the Environmental Analysis Section. Prior to the issuance of any residential building permit, the Design Review Guidelines shall be used in determining conformance with the PRD, CUP and RPO (HRP) permits in addition to Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Director.
 - b. Prior to the dedication of open space lots all trails as shown on Exhibits "A," dated November 17, 1992 and on file in the Development Services Department, shall be completed to the satisfaction of the Director of Parks and Recreation.
 - c. Specific traffic circulation improvements relative to parking and access for the annual PGA golf tournament consistent with the EIR shall be in place prior to issuance of the first special event permit allowing the tournament.
 - d. Night lighting of the golf courses, driving ranges and tennis courts shall be prohibited. Night lighting of golf course and clubhouse parking lots within 150 feet of open space or habitat buffer zones is prohibited and development of properties immediately adjacent to natural open space areas shall be designed so that light or glare shall not be cast on the open space lots.

- e. The applicant shall provide a notice to each buyer prior to sale that risks to pets exist due to the presence of coyotes, bobcats, and other natural predators which inhabit the natural open space in the area.
- f. A qualified biologist shall monitor the clearing activities of the approved brush management plan in order to restrict the removal of sensitive plant species.
- g. A field inspection shall be conducted by the Engineering and Development Department after grading has been completed and prior to issuance of a building permit to ensure mitigation measures for hydrology and water quality have been implemented consistent with the EIR.
- h. Best management practices shall be utilized for irrigation, control of fertilizers, pesticides, and herbicides and the provision of filter strips in buffer areas adjacent to wetlands and sediment and control measures to the satisfaction of the City Engineer.
- i. Procedures for water conservation, including the requirement to use reclaimed water if available, shall be required for the operation of the golf courses.
- j. Landscaping shall be in place along the developed roadways and development areas prior to issuance of building permits for each area.
- k. A field inspection shall be conducted by the Engineering and Development Department to ensure grading and contouring of slopes has been done according to the tentative map requirements prior to issuance of building permits.
- l. A brief letter report shall be prepared and submitted to the Development Services Department summarizing the paleontological salvage program described in the EIR within three months of completion of grading and prior to the issuance of building permits.
- m. Prior to the issuance of building permits, noise barriers along the circulation element roadways, internal roadways and individual residential pads necessary to reduce exterior noise levels for residential, park and school uses to below 65 DBA CNEL based on future traffic volumes shall be

constructed consistent with the requirements of the EIR.

- n. An interior noise analysis shall be conducted and specific mitigation measures necessary to reduce interior noise levels to 45 DBA CNEL based on future traffic volumes shall be included on building plans to the satisfaction of the Noise Abatement Office, Building Inspection Department. Said analysis shall only be required for those lots as identified in the Mitigation Monitoring and Reporting Program of EIR NO. 90-0332 and the Black Mountain Ranch Design Guidelines
- o. Noise generated by the pump stations shall not exceed 45 DBA Leq at any residential property line. Prior to issuance of building permits for Lots 11, 12, 56, and 57 of Unit 9 South; Lots 58 and 59 of Unit 2 North; and Lots 32 and 33 of Unit 4 South, the Noise Abatement Office shall verify that the pump stations have been designed so that noise levels generated by the pump stations would not exceed 45 DBA Leq at the residential lot line.
- p. If the City's curbside recycling program has not been established for the project area, the homeowner's association shall provide recycling containers and enter into an agreement with a recycling contractor to handle recyclable materials. The requirement for recycling bins or containers shall be included in the Design Review Guidelines.
- q. Procedures for source reduction and reuse or disposal of green waste shall be included in the golf course operation.
- r. Service letters from the Fire Department shall be submitted to the Development Services Department at the time of building permit application. If the Fire Department can not guarantee a six-minute response time, then building plans shall include sprinkler systems, or other measures to satisfaction of the Fire Department.
- s. An implementation and maintenance program for measures described in the EIR to control mosquito populations shall be prepared prior to release of reclaimed water to the reservoir. It shall be approved by the Regional Water Quality Control Board and provided to the Development Services Department. Annual reports detailing the measures implemented and success shall be prepared by the applicant for three years and submitted to the Development Services Department.

15. **General Conditions:**

- a. **Effective Date and Length of This Permit:** The effective date of this permit shall be the date of final action by the City Council. This permit must be utilized in accordance with the terms and agreements specified within Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17940. Failure to utilize this permit in accordance with the terms and agreements specified within Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17940 will automatically void this permit unless an extension of time has been granted by the City Council, as set forth in the Development Agreement 90-0332 and the San Diego Municipal Code. Provided this permit is utilized in accordance with the terms set forth in this permit, associated Exhibits "A," Development Agreement No. 90-0332 and EIR No. 90-0332, then the life of this permit shall run with the land.
- b. **Recordation of this Permit:** No development shall commence, nor shall any permit for construction be issued, until:
 1. The Permittee signs and returns the permit to the Development Services Department; and
 2. The permit is recorded in the Office of the County Recorder; and
- c. **Limitations of this Permit:** The property included within this development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by the City of San Diego.
- d. **Cancellation/Revocation Of This Permit:** This permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit or the associated Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17490. Cancellation or revocation may be instituted by the City or Permittee.
- e. **Covenant Running with the Land:** This development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
- f. **Sale of Individual Lots:** This permit allows the sale of individual lots for the purpose of construction of

residential units consistent with conditions and exhibits of the permit.

- g. **Changes to this Permit:** Subsequent to the approval of this permit, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.
- h. **Posting of this Permit and Exhibits "A":** The applicant shall post a copy of the approved permit and associated Exhibits "A" including the Black Mountain Ranch Design Guidelines in the sales office for consideration by each prospective buyer.
- i. **Completion of Golf Course Construction:** Construction of the two golf course facilities shall be in accordance with the conditions and limitations described in Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17490.
- j. **Annual Special Event Permit Required:** A "Special Event Permit" shall be required from the City of San Diego Police and the City Engineer prior to the operation of the annual PGA tournament.
- k. **Review of CUP Required:** Each of the two subject golf courses and the associated activities are subject to an annual review by the Development Services Director for conformance to this permit. Annual Review shall be conducted for five years from the date the golf courses begin operations. After five years, the golf course operations shall be reviewed every five years for the life of the operations. The applicant shall file an application with the Development Services Director each year subsequent to the effective date of this permit demonstrating conformance with the conditions of this permit.
- l. **Costs for on-going City Review of this Permit:** The City shall collect sufficient fees/deposits that are in place at the time of such review, to recover all costs incurred during the review and enforcement of this permit including but not limited to issuance of Special Use Permits, annual review of the CUP, and Substantial Conformance Review plan checks.
- m. **Golf Course Hours of Operation:** The operation of the two golf courses and any associated outdoor maintenance shall be limited to the hours of dawn until dusk.
- n. **Management of Facilities:** The developer shall be responsible to assure that each manager or operator of the golf course and associated facilities is fully knowledgeable of the conditions of this permit, Development Agreement No. 90-0332, EIR No. 90-0332 and

Exhibits "A" dated November 17, 1992, on file in the office of the Development Services Director. Any successors in interest shall also be bound to the conditions of this permit and associated documents. A copy of this permit and any amendments, shall be posted on the premises and shall be available for review by any person who may desire to see the permit.

- o. **Applicable Policies and Regulations:** The construction and continued use of this permit shall be subject to the regulations of this or other applicable governmental agencies; and to the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect as defined by the Development Agreement No. 90-0332 adopted on July 26, 1993 by Ordinance No. O-17490.

APPROVED by the City Council of the City of San Diego on November 17, 1992 by Resolution Nos. R-281075, R-281076 and R-281077.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

POTOMAC INVESTMENT ASSOCIATES
OF SAN DIEGO
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack
08/29/95

NOV 17 1992

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-281077*

NOV 17 1992

Adopted

NOV 17 1992

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Mary Lepeda*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-281077*

NOV 17 1992

Adopted.....