

(R-94-905)

RESOLUTION NUMBER R-282975

ADOPTED ON NOVEMBER 9, 1993

WHEREAS, Village Properties, a general partnership, and Lundstrom & Associates, filed an application for Vesting Tentative Map No. 88-0785 for the project known as Dennery Ranch for a 526-lot subdivision located east of Interstate 805 and north of the future extension of Palm Avenue, and described as a portion of Parcel 1 of Parcel Map No. 15134, in the Otay Mesa Community Plan area, in the A-1-10 (proposed A-1-1, R1-5000 and R-1750) zone; and

WHEREAS, on April 29, 1993, the Planning Commission recommended denial of the project because of potential noise impacts from the Trans-border airport proposal, as well as the significant unmitigated environmental impacts associated with the proposed project; and

WHEREAS, the City Manager recommended adoption of the proposed project if the Trans-border Airport proposal is abandoned and the restrictions on rezones in Otay Mesa are rescinded; and

WHEREAS, on November 8, 1993, the City Council by Resolution No. R-282958, declared that the Trans-border Airport will no longer be pursued and that proposed residential rezonings and related discretionary actions for Otay Mesa can now appropriately be processed for review in the normal manner and for potential approval by the City Council; and

WHEREAS, the Denney Ranch project was set for public hearing on November 9, 1993, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Vesting Tentative Map No. 88-0785:

1. The map proposes the subdivision of a 244.80-acre site into 526 lots for residential development. This type of development is consistent with the General Plan and the Otay Mesa Community Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the A-1-1, R1-5000 and R-1750 zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Residential Development (PRD) permit.

b. All lots meet the minimum dimension requirements of the A-1-1, R1-5000 and R-1750 zones, as allowed under a PRD permit.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect

to building area, setbacks, side yard and rear yard regulations, as allowed under a PRD permit.

d. Development of the site is controlled by Planned Residential Development Permit No. 88-0785.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Environmental Impact Report ("EIR") No. 88-0785, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems

inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.


9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is overruled, the recommendation of the City Manager is sustained, and Vesting Tentative Map No. 88-0785 is hereby granted to Village Properties, a general partnership, and

Lundstrom & Associates, under the terms and conditions set forth
in the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
12/07/93
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
VESTING TENTATIVE MAP NO. 88-0785

1. This tentative map will expire November 9, 1996.
2. The final map shall conform to the provisions of Planned Residential Development Permit No. 88-0785.
3. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769635.

4. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
5. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
6. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as

R-282975

ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

7. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
8. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
9. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map and may impose reasonable conditions, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
10. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. The subdivider must provide a geological report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
12. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
13. A Transportation Phasing Plan is required for this community. Prior to recordation of the final map, the Transportation Phasing Plan must be approved by the City Engineer, and this subdivision must conform to the approved Transportation Phasing Plan.
14. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior

R- 282975

- easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
15. Dennery Ranch Road is classified as a four-lane major street from Palm Avenue to the intersection of the Gateway Fair entrance and the second access point from Village 1 within a 108-foot-wide right-of-way, transitioning to a four-lane collector from said intersection, east to the southern subdivision boundary within a 92-foot-wide right-of-way. The subdivider shall dedicate the necessary right-of-way and shall provide pavement, curb, gutter, five-foot-wide sidewalk within at ten-foot curb-to-property-line distance, and a 22-foot-wide raised center median south of said intersection; a median may be allowed north of said intersection; all satisfactory to the City Engineer.
 16. The subdivider shall provide additional off-site right-of-way of 84 feet and street improvements, with transition, for the continuation of Dennery Ranch Road to Robinhood Ridge Drive, satisfactory to the City Engineer.
 17. Street "C" shall not have access to Dennery Ranch Road. The westerly portion of Street "C" shall be constructed as a cul-de-sac within a 45-foot right-of-way radius and a 35-foot curb radius. A pedestrian- and non-motor-vehicular access easement and an emergency access easement shall be provided from the cul-de-sac to Dennery Ranch Road, satisfactory to the City Engineer.
 18. The subdivider shall provide street access to Dennery Ranch Road from Street "A" (Village 1), opposite the Gateway Fair entrance (TM 90-0242). The subdivider shall dedicate a 70-foot-wide right-of-way and shall provide 50 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance; the design of the street shall provide a minimum of 300 feet between the centerlines of Dennery Ranch Road and Street "A" (Village 1); and the intersection with Street "A" shall be perpendicular; all satisfactory to the City Engineer.
 19. The subdivider shall provide adequate sight distance at all intersections, satisfactory to the City Engineer.
 20. The subdivider shall relinquish access rights to Palm Avenue.
 21. Streets "D-1" [from Dennery Ranch Road to Street "A" (Village 1)], "E," "I," and "J" are classified as local residential streets within a 60-foot-wide right-of-way. The subdivider shall dedicate a 60-foot-wide right-of-way

R- 282975

and shall provide 40 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

22. Streets "B," "D," "D-1" [from Street "A" (Village 1) to the cul-de-sac], "F," "G," "H," "L" (from Street "M" to Street "J"), and "M" are classified as local residential streets within a 56-foot-wide right-of-way. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36 feet of pavement, curb gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
23. Cul-de-sacs "C," "H," "K," "L" (south of Street "M" and west of Street "J"), and Court "N" are classified as local residential streets within a 56-foot-wide right-of-way. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36 feet of pavement, curb, gutter, and five-foot-wide sidewalk with a 45-foot right-of-way radius, and a 35-foot curb radius, satisfactory to the City Engineer.
24. Village 1:

Street "A" is classified as a local residential street within a 56-foot-wide right-of-way. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. There shall be no parking bays along this street.
25. Village 2:
 - a. Street "A" is classified as a two-lane multi-family collector street within a 60-foot-wide right-of-way. The subdivider shall dedicate a 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
 - b. Streets "C" and "D" (south of Street "E") are classified as residential local streets within a 60-foot-wide right-of-way. The subdivider shall dedicate a 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
 - c. Streets "D" (north of Street "E") and "E" are classified as residential local streets within a 56-

R-282975

foot-wide right-of-way. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

26. Village 3:

Streets "A" and "E" are classified as a residential local streets within a 56-foot-wide right-of-way. The subdivider shall dedicate a 56-foot-wide right-of-way and shall provide 36-feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

27. Entrances to Villages 1, 2, and 3 shall have sufficient right-of-way and improvements with transitions to accommodate turn lanes and emergency vehicles, satisfactory to the Fire Department and the City Engineer.
28. The subdivider shall contribute their fair share for the improvement of the I-805/Palm Avenue interchange, which the City Engineer has determined to be 15 percent.
29. The subdivider shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for widening of the I-805/Palm Avenue bridge.
30. The multi-family units shall be directly served by private driveways with a minimum of a 21-foot pavement width. Where the private driveways are greater than 150 feet in length, an acceptable turnaround shall be provided, satisfactory to the Fire Department and the City Engineer.
31. Prior to recordation of the final map, the subdivider shall provide a fair-share contribution toward the traffic signal systems, satisfactory to the City Engineer, at the following locations:
- a. Palm Avenue and Dennery Ranch Road
 - b. Gateway Fair entrance and secondary access point from Village 1
32. The subdivider shall provide a traffic signal system at the intersection of Dennery Ranch Road & Street "A" (Village 2)/ Street "D-1," satisfactory to the City Engineer.
33. A traffic signal shall be required at the intersection of Dennery Ranch Road and Street "E" when the final phase of the development occurs, satisfactory to the City Engineer.

R- 282975

34. The curb-to-property-line distances shall be a minimum of ten-feet with a two percent (2%) slope from curb-to-property-line on all public streets. The meandering sidewalks shall be in accordance with the newly adopted American Disabilities Act (ADA). A meandering sidewalk may be allowed outside of the right-of-way if a sidewalk is provided contiguous to the curb. The transition rate shall be four to one (4:1), satisfactory to the City Engineer.
35. Palm Avenue is classified as a six-lane primary arterial within a 122-foot-wide right-of-way widening to a 132-foot-wide right-of-way at Dennery Ranch Road. The subdivider shall provide a street reservation and full-width grading for Palm Avenue within the subdivision boundary, satisfactory to the City Engineer.
36. Driveways shall be of sufficient depth and width to provide additional storage for two (2) standard-size vehicles without encroaching into the area or within five (5) feet from the face of the curb or dedicated streets, in a manner satisfactory to the City Engineer.
37. Prior to recordation of the first final map in Phase III, as shown on the Dennery Ranch Transportation Study, a second access may be required, to the satisfaction of the City Engineer.
38. Providing streets for this subdivision is dependent upon the prior construction of certain streets in previously approved subdivisions in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
39. Water Requirements:
 - a. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
 - b. The subdivider shall update the "Water System Analysis of Two Transmission Alternatives for the South San Diego/Otay Mesa Service Areas," dated September 1990, by Boyle Engineering, satisfactory to the Water Utilities Director.

R- 282975

- c. The subdivider shall provide a water study, satisfactory to the Water Utilities Director, which plans the water distribution system necessary to serve this development.
- d. The subdivider shall provide a water relocation study, satisfactory to the Water Utilities Director, which plans the relocation of the existing 33- and 15-inch water transmission mains. The relocated mains shall provide equal or greater capacity than the existing mains.
- e. The subdivider shall install all facilities, as required by the approved water studies necessary to serve this development. Additional environmental review will be necessary prior to construction of any off-site facilities.
- f. The subdivider shall provide a phasing plan, satisfactory to the Water Utilities Director, to program costs and assign responsibility to install all facilities required in the approved studies.

40. Sewer Requirements:

- a. The subdivider shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that the grade of the mains will provide adequate capacity and have cleansing velocities.
- b. The subdivider shall install all facilities, as required by the approved sewer study.
- c. The subdivider shall provide a 25-foot-wide sewer easement, with a vehicular access road for the 27-inch trunk sewer, or relocate the sewer in a public right-of-way, satisfactory to the Water Utilities Director. Any relocation of the trunk sewer shall provide equal or greater capacity as the existing sewer.

41. Water and Sewer Requirements:

- a. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral or provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The subdivider shall provide private easements for the private mains or show easement locations in the CC&R's.

R- 282975

- b. The final map(s) shall show all existing water, sewer, and/or general utility easements, satisfactory to the Water Utilities Director. The old easements may be abandoned after all public improvements associated with the tentative map are constructed, operational, and accepted by the City of San Diego (including as-built drawings).
 - c. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
 - d. Providing water and sewer for this subdivision is dependent upon the prior construction of certain water and sewer mains in previously approved subdivisions in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
42. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
43. The subdivider shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
44. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the

R- 282975

SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

45. The park site shown on the tentative map is to be acquired in accordance with procedures established Section 66479 et seq. of the Subdivision Map Act. Prior to approval of a final map including this park site, the City shall enter into an agreement to acquire the site within two years. Failure to enter into such agreement will terminate the park reservation.

The subdivider shall, as a part of the subdivision improvements, grade the park site and install the necessary public improvements and shall be reimbursed by the City for such work from appropriate funds. An agreement authorizing such reimbursement shall be entered into prior to the approval of the final map.

46. Access to the park shall be from Street "E."

47. Park and Recreation Requirements:

- a. The subdivider/owner shall enter into an agreement acceptable to the City Engineer and the Park and Recreation Director for a two-year option agreement on the acquisition of the population-based park located all or partially within this subdivision. The park site shown on the approved tentative map shall be reserved in accordance with Section 66479 et seq. of the California Map Act. Provisions of the Act require that the subdivider shall, at the time of the recordation of the first final map of any unit within this development, enter into an agreement for the City to acquire the park site within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map, plus the taxes against such reserved area from the date of reservation, and any other costs incurred by the subdivider in the maintenance of such reserved areas, including interest costs incurred on any loan covering such reserved area. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.

R- 282975

- b. The subdivider shall enter into an agreement for the design and construction of the population-based parks located wholly or partially within this subdivision. Said agreement shall define the method of compensation. Said agreement shall be approved prior to recordation of the first final map of any unit within the subdivision.
- c. The subdivider shall hire an appraiser, acceptable to the Property Director, for the purpose of valuation of the population-based parks located within this subdivision. Said valuation shall be based on all City, State, or Federal codes applicable to said project. The park shall be valued on the overall value of the entire 245-acre site. The date of valuation shall be established as that date the vesting tentative map for Denney Ranch was first submitted for acceptance to the City of San Diego Planning Department. Said appraisal shall be approved by all parties prior to the filing of the first final map of any unit within this subdivision.
- d. The subdivider shall enter into an agreement acceptable to the Property Director and the Park and Recreation Director that, if a relocation of the park sites is required to provide the useable acreage for the parks, said relocation shall not increase the value of said property from the original appraised value.
- e. Private recreation facilities located within any unit of this development will not be credited toward population-based park standards for land or facilities.
- f. The subdivider shall enter into an agreement acceptable to the Planning Director and the Park and Recreation Director for a threshold of construction. Said agreement shall address the acquisition, design, and construction of the public park prior to the occupancy of dwelling unit 1,000 within this subdivision.
- g. The subdivider shall rough grade the park site to Park and Recreation Department specifications and shall construct the contiguous street improvements. The subdivider shall enter into an agreement, acceptable to the City Engineer and the Park and Recreation Director, which defines the method of compensation for the work done on the future park site, prior to the recordation of the first final map on any unit within this subdivision.

R- 282975

- h. The subdivider shall be responsible for all park fees, Developer Impact Fees (DIFs), or Facilities Benefit Assessment (FBA) District fees established by City Council.

48. Open Space Requirements:

- a. All fee-owned open space lots shall be free and clear of any private easements, encroachments, encumbrances, or private agreements. They shall be deeded to the City, in fee title, at no cost to the City.
- b. No desilting/detention basins shall be located on City fee-owned open space lots.
- c. No paved drainage ditch, brow ditch, or swale shall be located on fee-owned open space.
- d. No brush management zones (Zones 1, 2, and 3) shall be located on City-owned open space lots. All brush management zones shall be lotted out and shall be owned and maintained by the individual lot owners; each such lot shall have a negative open space easement for brush management.
- e. Lots "F" and "H" shall be deeded to the City, in fee title, for open space, at no cost to the City.
- f. Lots "A," "K," and "L" shall have a building-restricted easement and shall be owned by the Homeowners' Association. A landscape easement is also required to allow the landscape maintenance district to fund the maintenance. Lot "J" shall be lotted out and to be owned by the individual lot owners.
- g. The large manufactured slope on the southern boundary of the school site shall be lotted out and shall be owned by the individual lot owners, with a landscape easement and a negative open space easement.
- h. The manufactured slope within the school site fronting on Dennery Ranch Road shall be lotted out and deeded to the City, in fee title, at no cost to the City.
- i. All other slopes fronting on Dennery Ranch Road shall have landscape easements and shall be maintained by a landscape maintenance district. Lots "F" and "H" are not included.
- j. All disturbed areas in open space City-owned lots shall be replanted with native plants. All invasive exotic

R-282975

plants shall be removed. The subdivider shall devise a method, satisfactory to the Park and Recreation Director, to protect undisturbed area from grading and construction.

49. A portion of this subdivision has been identified as being within a floodway or floodplain fringe area. In connection with Council approval of the final map:
- a. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
 - b. The subdivider shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
 - c. The subdivider shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
 - d. The subdivider shall provide slope protection, as required by the City Engineer, where the velocity exceeds 5 FPS.
 - e. The subdivider shall provide safety fencing where required by the City Engineer.
 - f. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
 - g. Portions of the project are located in the floodplain of Otay River, as shown on Panel 214 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA).
 - h. No permits shall be issued for grading or other work in the floodplain of Otay River until the subdivider obtains a Conditional Letter of Map Amendment (Conditional LOMA) from FEMA. The request for the Conditional LOMA must be submitted through the City of San Diego Floodplain Management Section. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.

R- 282975

- i. When as-built grading and public improvement plans are available, the subdivider must submit a request for a Conditional LOMA to FEMA via the Floodplain Management Section. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - j. The bond for this project will not be released until the Conditional LOMA is issued by FEMA.
 - k. Notes provided by the Floodplain Management Section concerning work in designated floodplains shall be included in all grading and improvement plans.
50. Environmental Mitigation Measures:
- a. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 88-0785, satisfactory to the Planning Director and the City Engineer.
 - b. Mitigation measures described in the Environmental Impact Report for landform alternation, including contour grading, horizontal and vertical undulation, variable slope rations, and rounding of tops and toes of slopes shall be identified on the grading plans, to the satisfaction of the Planning Director.
 - c. Prior to the issuance of the grading permits, a final comprehensive preservation, restoration, and revegetation program shall be completed and shall be approved by the Planning Department. The program shall include a five-year performance standard plan consistent with the Environmental Impact Report. The on-site preservation, restoration, and revegetation program shall include a minimum of 12.7-acres on areas adjacent to existing maritime succulent scrub/coastal sage scrub and on all internal manufactured slopes adjacent to natural open space canyons.
 - d. As part of the revegetation program, all trails and roads that traverse the proposed natural open space areas shall be decompacted and hand planted with native vegetation.
 - e. A Preservation Plan for archaeological site CA-SDI-10,060 shall be prepared by a qualified archaeologist consistent with the requirements of the Environmental Impact Report and shall be approved by the Planning Director. The plan shall be implemented to the satisfaction of the Planning Director prior to

R- 282975

the recordation of the first final map and the issuance of a grading permit.

- f. Areas "A" and "B" of Site SDI-10,060 shall be dedicated open space and so delineated on all final maps and grading plans.
 - g. All earthwork shall be under the supervision of a qualified archaeologist. In addition, an archaeologist shall be present during all grading operations within 50 feet of the buried deposit in order to monitor construction activities.
 - h. A paleontological salvage program consistent with the requirements of the Environmental Impact Report shall be shown as notes on the grading plans. The program shall include: monitoring during grading in the Sweetwater, Otay, and San Diego Formations; the salvaging of fossil remains and preparation of the collected specimens; and shall be implemented to the satisfaction of the Planning Director.
 - i. Prior to the recordation of the final map, the subdivider shall offer for dedication a ten-acre school site acceptable to the Chula Vista School District. The school location shall be consistent with the Environmental Impact Report and the Precise Plan.
51. Prior to the recordation of a final map, a school mitigation agreement, which provides for school facilities, shall be entered into and approved by the affected school districts and the subdivider. Documentation of the agreement shall be provided to the City.
52. Prior to the recordation of the final map, a School Facilities Plan shall be entered into and approved by the City Council of the City of San Diego and all affected school districts and shall be signed by the subdivider. The school facility plan shall include a financing plan and school fee schedule which will provide for the present and future needs of all affected school districts and the community.
53. The height of the buildings constructed within this subdivision shall be such that they do not penetrate the surface of the approach zone and clear zone of Brown Field, as defined in the appropriate Federal Aviation Regulations. The heights of the buildings will be approved by the Planning Director in connection with approval of the specific development permits.

R-282975

54. An aviation easement shall be granted over the entire subdivision. The conditions of this easement shall be satisfactory to the Deputy Director of the Airports Division of the General Services Department.
55. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

56. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development Department for each final map processed in connection with this vesting tentative map.

FOR INFORMATION:

- This property may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Otay Mesa Community Plan area.
- This subdivision may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
- This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.
- This vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

R- 282975

335E

Passed and adopted by the Council of The City of San Diego on..... **NOV 09 1993**
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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| Juan Vargas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Susan Golding | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
.....
Mayor of The City of San Diego, California.

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

By *Marjorie J. Pollock* Deputy.

Office of the City Clerk, San Diego, California

Resolution *R* **282975** **NOV 09 1993**
 Number..... Adopted.....