

(R-95-550)
(Corrected Conditions 02/20/96)

RESOLUTION NUMBER R-284661

ADOPTED ON SEPTEMBER 20, 1994

WHEREAS, PARDEE CONSTRUCTION COMPANY, APPLICANT, and PROJECT DESIGN CONSULTANTS, ENGINEER, filed an application for a 583-lot vesting tentative map, located south of Carmel Valley Road and west of I-5, and described as a portion of Section 28, T14S, R3W and a portion of East 1/2 of Section 29, T14S, R3W, SBM in the A-1-10 (proposed SF-2, SF-3, MFI, NC, and EP) Zones; and

WHEREAS, the matter was set for public hearing on September 20, 1994, the City Council of The City of San Diego considered Vesting Tentative Map No. 91-0834, Carmel Valley Neighborhood 10, pursuant to Section 102.0307 of the Municipal Code of the City of San Diego, and received for its consideration written and oral presentations, and heard from all interested parties present at the public hearing; 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. 91-0834:

1. The map proposes the subdivision of a 382-acre site into 583 lots for residential and commercial development. This type of development is consistent with the General Plan and the Carmel Valley Community Plan, which designate the area for residential and commercial 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 SF-2, SF-3, MFI, NC, and EP 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 Carmel Valley Planned District (CVPD) Permit.

b. All lots meet the minimum dimension requirements of the SF-2, SF-3, MFI, NC, and EP Zones, as allowed under a CVPD 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 CVPD Permit.

d. Development of the site is controlled by Carmel Valley Planned District Permit No. 91-0834.

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 or cooling opportunities.

4. The site is physically suitable for residential and commercial 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 and commercial uses.

6. The design of the subdivision or 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 EQD No. 91-0834, which is included herein by this reference. However, a finding has been made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

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.

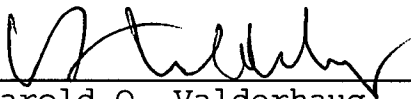
9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of

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, based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 91-0834, Carmel Valley Neighborhood 10, is hereby granted to PARDEE CONSTRUCTION and PROJECT DESIGN CONSULTANTS, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
10/19/94
02/20/96 COR.CONDITIONS
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
VESTING TENTATIVE MAP NO. 91-0834

1. This tentative map will become effective with the approval of the rezone by the City Council and will expire three years thereafter. If the rezone is denied, then the vesting tentative map will be deemed denied.
2. The final map shall conform to the provisions of Carmel Valley Planned District Permit No. 91-0834.
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 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. Prior to the issuance of a grading permit or pre-grading permit for any unit of this vesting tentative map, proof of an incidental take permit under Section 4d, Section 7, or Section 10a of the Endangered Species Act, relative to the California gnatcatcher, shall be provided to the Development Services Department. If such an incidental take permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign required in obtaining a Section 4d, Section 7, or Section 10a permit will require reconsideration by the appropriate City decision-making body.

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Approval of this vesting tentative map does not guarantee issuance of a grading permit, since the habitat loss is limited to the five percent (5%) cumulative loss of coastal sage scrub and gnatcatcher-occupied habitat calculated at the grading permit stage.

9. The subdivider must provide a geologic (geotechnical) investigation 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 62.0415 et seq.
10. 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.
11. The subdivider has reserved the right to record multiple final maps over the area shown on the approved vesting 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 vesting tentative map the subdivider is including in each final map and may impose reasonable conditions relating to the filing of multiple final maps, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
12. 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.
13. 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.
14. This subdivision shall comply with the Transportation Demand Management (TDM) Plan approved May 1993, satisfactory to the TDM Administrator.
15. This tentative map is within the Carmel Valley Community, for which a Transportation Phasing Plan has been incorporated in the Public Facilities Financing Plan. Contained within this plan are individual traffic facility improvements. Before predetermined thresholds of development may be exceeded, the City Engineer must be satisfied that these improvements are either:
 - a. completed;
 - b. under contract;
 - c. bonded;
 - d. scheduled and funded for construction in the immediate fiscal year of the City's Capital improvement Program (CIP); or
 - e. scheduled and funded for construction in the immediate fiscal year of the State Transportation Improvement Program (STIP).

The subdivider is advised that issuance of building permits may be limited or otherwise withheld because of unsatisfied thresholds in the phasing plan. The filing of a final map does not guarantee that building permits will be issued for properties within the final map area. A copy of the Carmel Valley Public Facilities Financing Plan may be viewed or purchased at the office of the Facilities Financing Division.

16. 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

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easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

17. The improvements for this subdivision shall comply with the recommended improvements addressed in the traffic study for Carmel Valley Neighborhood 10, approved June 21, 1993, in a manner satisfactory to the City Engineer. This traffic study shall coordinate with the traffic studies for Torrey Reserve Heights, TM 93-0361, and Carmel Highlands, TM 87-1041.
18. Prior to the issuance of grading permits and/or street improvements, a wildlife bridge with a minimum span of 90 feet and a minimum height clearance of 20 feet shall be included as a part of the street improvements of this map, to the satisfaction of the City Engineer and the Development Services Director. This bridge is to be located northeast of the intersection of Carmel Mountain Road and Street "A" in the southwest portion of the project site.
19. Carmel Mountain Road is classified as a four-lane modified collector within a 98-foot-wide right-of-way and a 108-foot-wide right-of-way where dual left-turn lanes are required. The subdivider shall dedicate a 108-foot-wide right-of-way from the westerly subdivision boundary to Street "II"/Street "A" (per VTM 93-0141), and shall dedicate a 98-foot-wide right-of-way where dual left-turn lanes are required, and shall provide full-width pavement, curb, gutter, and a minimum five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 14-foot-wide raised landscaped center median, satisfactory to the City Engineer.

A reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be established by the City Council to recover a portion of the construction costs of this work when the adjacent properties develop.

The pavement and median width may be phased such that two lanes are provided east of Carmel Country Road, with a temporary 38-foot-wide landscaped center median until the additional two lanes are required, satisfactory to the City Engineer.

The Carmel Mountain Road transition between Sorrento Boulevard East and Street "II"/Street "A" (per VTM 93-0141) shall have a varying right-of-way width of 132 feet to 108 feet, with a 24-foot raised median, satisfactory to the City Engineer.

20. The subdivider shall relinquish access rights along Carmel Mountain Road for the entire length within this subdivision, with the exception of one 30-foot driveway for Units 19 and 20, satisfactory to the City Engineer.
21. Carmel Country Road is classified as a four-lane collector street within a 98-foot-wide right-of-way, unless otherwise determined by the approved traffic study. The subdivider shall dedicate a 98-foot-wide right-of-way and shall provide a minimum of 64 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a raised, landscaped, center median, satisfactory to the City Engineer. The subdivider may construct an interim two-lane collector within the 98-foot-wide right-of-way until such time as traffic warrants full-width improvements, satisfactory to the City Engineer. It shall be noted that, as a requirement of the first final map, the subdivider shall design and bond for the full-width improvements.

The subdivider shall also dedicate and construct Carmel Country Road off-site from the northerly subdivision boundary, northwesterly to the existing improvements of Carmel Valley Village Unit No. 1, as shown on drawing 22046-30-D, satisfactory to the City Engineer.

A reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be established by the City Council to recover a portion of the construction costs of this work when the adjacent properties develop.

22. The subdivider shall provide grade and alignment studies for Carmel Mountain Road, Carmel Country Road, and all streets shown as stub streets, satisfactory to the City Engineer.
23. The interior residential local streets shall have a minimum right-of-way width of 56 feet with a minimum pavement width of 36 feet, in accordance with the Fire Department standards, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance; the Street "V" cul-de-sac (south of Street "U") shall have a 48-foot and 58-foot curb and right-of-way radius, respectively; all satisfactory to the City Engineer.
24. Street "II" is classified as a local residential street within a 56-foot-wide right-of-way and a 70-foot-wide right-of-way for 250 feet south of Carmel Mountain Road. The subdivider shall dedicate a 56-foot-wide and a 70-foot-wide right-of-way with transitions and shall provide full width improvements of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. Street "II" shall align with the opposing left-turn lane, satisfactory to the City Engineer.
25. The unnamed cul-de-sac between Units 19 and 20 shall be built to collector-street standards. The subdivider shall dedicate a 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a cul-de-sac with a 50-foot curb radius and a 60-foot right-of-way radius, satisfactory to the City Engineer.
26. The knuckles on Streets "II" and "V" (west of Street "W") shall be designed to the satisfaction of the City Engineer.
27. Street "R" is classified as a residential street. The subdivider shall dedicate a 60-foot-wide right-of-way from Carmel Mountain Road to Street "U" with transition to a 56-foot-wide right-of-way to Street "L" and shall provide full width pavement, curb, gutter, and a four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
28. Street "L" is classified as residential street. The subdivider shall dedicate a 56-foot-wide right-of-way from Street "R" to Street "M" with transition to an 84 foot wide right-of-way to Carmel Mountain Road and shall provide full-width pavement, curb, gutter, five-foot-wide sidewalk adjacent to the school/park site and a four-foot-wide sidewalk for the remaining area all within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
29. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping within the City right-of-way on Carmel Mountain Road, Carmel Country Road, and Street "A" until such time as the public improvements are accepted and a Landscape Maintenance District (LMD) is formed. The LMD shall be established prior to the acceptance of the public improvements. The idea is to provide maintenance of landscaping in all public rights-of-way.
30. The subdivider shall provide adequate sight distance at all locations, satisfactory to the City Engineer.

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31. The transition from 84 feet to 56 feet on Street "A" shall be redesigned to reflect an adequate acceptable transition, satisfactory to the City Engineer.
32. The subdivider shall provide evidence that approval has been obtained from the property owner to provide off-site local streets, satisfactory to the City Engineer.
33. All earth slopes within the public right-of-way shall not exceed a two percent (2%) grade. Where slopes are adjacent to--not within--the public right-of-way, there shall not be any slope easements allowed. The slopes shall be within private property and shall have assured maintenance. The subdivider shall assure that the maintenance of the slopes within this subdivision, and created due to this subdivision, is managed. This may be satisfied by including such maintenance in a landscaped maintenance district, assuring there are adequate funds to provide for this maintenance by including the maintenance in the homeowners' association agreement, by including it in the CC&Rs, or other acceptable maintenance alternative satisfactory to the City Engineer.
34. The school and park sites shall not have access onto Carmel Mountain Road. Access to the school and park site shall be from an interior street.
35. Median breaks on Carmel Mountain Road will only be allowed at signalized intersections, except at the intersection with Street "R". Left turns only into Street "R" will be permitted.
36. The subdivider shall provide a pedestrian access easement from the end of Streets "EE" and "X" to Carmel Mountain Road, satisfactory to the City Engineer.
37. The subdivider shall provide temporary cul-de-sacs at the terminus of Streets "GG" and "II", satisfactory to the Fire Department and the City Engineer.
38. The subdivider shall provide traffic signal systems at the following locations, satisfactory to the City Engineer:
 - a. Carmel Mountain Road and Street "A"
 - b. Carmel Mountain Road and Carmel Country Road
 - c. Carmel Mountain Road and Street "A"/Street "L"
 - d. Carmel Country Road and Street "EE"

A reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be established by the City Council to recover a portion of the costs of constructing the required traffic signal systems when the adjacent properties develop.
39. A reimbursement district, in accordance with the provisions of Section 62.0208 of the San Diego Municipal Code, or an assessment district, in accordance with the City's procedural provisions, may at the Council's option be established at the subdivider's request to recover a portion of the costs of constructing public improvements.
40. Water Requirements:
 - a. The developer 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 cause preparation of an acceptable 610/712 HGL pressure-zones water study, at a cost not to exceed \$140,000, when the building permit for the 9,000th EDU in Carmel Valley is issued or when the final map for the first unit in this subdivision is filed, whichever later occurs, provided preparation of such water study has not otherwise been assured, in which event the subdivider shall be responsible for the subdivider's share of the water study, which will be reasonably related in nature and extent to the impacts created by this subdivision.

The water study shall evaluate the existing 610/712 HGL pressure zones and the ability of those zones to provide adequate water capacity to future development in the Carmel Valley area. The water study shall also include phasing thresholds, transmission main sizes and alignments, assignment of responsibility for improvements, and any other facilities required to provide adequate water capacity in the Carmel Valley area. The water study shall be approved by the City Council.

In the event the subdivider advances funds for preparation of a water study, the City shall promptly enter into a participation agreement with the subdivider to pay for the City's pro-rata share of the cost of the study, plus interest, no later than the date the water study is delivered to the City or 18 months after the subdivider's disbursement of funds, whichever first occurs. The City shall also promptly establish reimbursement agreements with all other benefitted property owners identified in the study. Pro-rata participation shares shall be determined by the study.

- c. The subdivider shall provide a water study, satisfactory to the Water Utilities Director. The study shall plan the entire pressure zone(s) necessary to serve this development. A phasing plan shall be included in the study.
- d. The subdivider shall install all facilities identified in the approved water study and phasing plans, reasonably related in nature and extent, to the impacts created by this subdivision. The subdivider understands that certain major water facilities may be needed to provide adequate water capacity to the 610/712 HGL area. Some of such facilities may be larger and more extensive than those necessary to solely provide service to this subdivision. The subdivider specifically understands and agrees that building permits and/or occupancy permits may be denied if the water facility infrastructure at any time is inadequate to provide adequate water service to the subdivision.
- e. The subdivider shall install a 30-inch diameter pipeline (or per the approved master water plan) in Carmel Mountain Road from the westerly subdivision boundary to the easterly subdivision boundary, satisfactory to the Water Utilities Director.
- f. Water availability may be limited, due to the status of the design and construction of the Green Valley Pipeline or other deficiencies in the regional water system.
- g. Prior to the issuance of any building permits, the number of EDUs in this development must be added to the total for Carmel Valley. If the total number of EDUs in Carmel Valley exceeds 7,709, then this development is subject to the construction and operational acceptance of Reach 4 of the 30-inch Green Valley Pipeline. Reach 4 is located in Sorrento Valley Road. If the total number of EDUs in Carmel Valley exceeds 9,000, then this development is subject to the construction and operational acceptance of the entire 30-inch Green Valley Pipeline.

41. Sewer Requirements:

- a. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains, pump stations, and force mains and to show that the existing and proposed facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basins in which it lies. A phasing plan shall be included in the study.

NOTE: Please locate sewers in the public rights-of-way whenever possible.

- b. The developer shall install all facilities, as required by the approved sewer study and phasing plan (not as shown on the tentative map), necessary to serve this development.
- c. The subdivider shall enter into a maintenance and operation agreement with the City, satisfactory to the Water Utilities Director, for the sewer pump stations necessary to serve this development.
- d. The Peñasquitos Trunk Sewer is approaching its ultimate capacity. If any waste water from this development flows into the Peñasquitos Trunk Sewer, then connections may be limited.

42. Water and Sewer Requirements:

- a. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance 0-17327. The developer shall design and install a reclaimed water distribution system within the subdivision, in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution with the City of San Diego." The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
- b. The subdivider shall provide individual predesign reports for each sewer pump station and water pressure regulating station, satisfactory to the water Utilities Director, necessary to serve this development.
- c. At the subdivider's request, the City will process a reimbursement agreement to recover the subdivider's cost of planning studies, design, and construction of certain water and/or sewer improvements, in accordance with City regulations and practices pertaining thereto.
- d. The developer 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 developer shall provide private easements for the private mains or show easement locations in the CC&R's.
- e. 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.
- f. Providing water and sewer for this subdivision is dependent upon the prior construction of certain water and sewer facilities in other developments in this area. If they have not been constructed when required for this development, then

the construction of certain portions of these previously approved or planned water and sewer facilities, as required by the City Engineer, will become off-site improvement requirements for this subdivision.

- g. The subdivider shall provide adequate water and/or sewer easements, including vehicular access, for all water and sewer facilities that are not located within a public right-of-way, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easement without first obtaining an encroachment removal agreement from the City Engineer.
- 43. Prior to the recordation of the first final map, a comprehensive drainage plan for the entire Carmel Valley Neighborhood 10 Precise Plan area shall be approved, satisfactory to the City Engineer.
- 44. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
- 45. The developer 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.
- 46. 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 SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 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.

- 47. The subdivider shall enter into an agreement acceptable to the City Engineer and the Park and Recreation Director, prior to the recordation of the first final map within this subdivision, which shall address the following items:
 - a. The subdivider shall hire an appraiser, acceptable to the City Manager, which shall be knowledgeable in all Federal, State, County, and City codes in relationship to real property acquisition. The appraisal will be required for two five-acre parcels, APN 307-100-03 and APN 307-100-04, not owned by the subdivider.
 - b. The appraisal shall be completed and submitted to the City Manager at least 45 days prior to the filing of the first final map of any unit with this subdivision. The proposed purchase price of APN 307-100-03 and APN 307-100-04 shall be mutually agreed upon by the City Manager and the subdivider. The subdivider shall diligently negotiate the purchase of APN 307-100-03 and APN 307-100-04. The City shall (from available budgeted funds) fund the purchase price for APN 307-100-03 and APN 307-100-04. In the event insufficient City funds are

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available to purchase APN 307-100-03 and APN 307-100-04, the City and the subdivider shall enter into an agreement whereby the subdivider advances funds for the acquisition of said parcels. Said agreement shall provide for adequate allocations of building permits sufficient to enable the subdivider to recover, through FBA credits or cash reimbursements, all funds, plus interest, at the applicable FBA rate, advanced for the acquisition of the parcels. The subdivider's obligation to advance funds shall be limited to an amount not to exceed the purchase price agreed upon by the subdivider and the City Manager.

- c. If, by the time of the filing of the first final map of any unit within this subdivision, the subdivider is unable to negotiate a purchase price for APN 307-100-03 and APN 307-100-04, the City may, within 120 days of the filing of the subdivider's final map, pursuant to Section 66462.5 of the California Subdivision Map Act, acquire by negotiation or commence proceedings pursuant to Title 7 (commencing with Section 1230,010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land at a price acceptable to the City Manager and the subdivider, including proceedings for immediate possession of the property pursuant to Article 3 (commencing with Section 1255.410) of Chapter 6 of such title. In the event the City fails to meet the 120-day time limitation, Condition 47a, 47b, and 47c shall be conclusively deemed to be waived.
 - d. The Neighborhood Park site and joint-use areas, Lots 1 and 2 of Unit 21, shown on the approved tentative map, are being reserved in accordance with Section 66479 et seq. of the California Subdivision Map Act. The subdivider shall, prior to the recordation of the first final map of any unit within this subdivision, enter into an agreement for the City to acquire Lots 1 and 2 of Unit 21 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 original submittal of VTM 91-0834 (i.e., May 14, 1992), plus the taxes against such reserved area, from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. In the event the City does not exercise its option to acquire one or both of Lots 1 and 2 of Unit 21, the reservation of the area shall automatically terminate.
 - e. The subdivider shall rough grade the Neighborhood Park site to Park and Recreation Department specifications and shall construct the contiguous street improvements. Prior to the filing of the first final map of any unit of this subdivision, the subdivider shall enter into an agreement with the City which defines the method of compensation for the work done on the Neighborhood Park Site.
 - f. Prior to the filing of the first final map of any unit in this subdivision, the subdivider shall enter into an agreement with the City for the design and construction of the Neighborhood Park site. The agreement shall define the method of compensation.
 - g. Park land acquisition shall be of usable two percent (2%) graded acreage and not for land above a two percent (2%) grade.
48. Open Space Requirements:
- a. General requirements (all units):

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- i. All lots deeded to the City for open space shall be free and clear of all private easements, liens, and private agreements.
 - ii. Desilting/detention basins shall be located on private property, owned and maintained by the master homeowners' association, or if located on City open space lots, they shall have drainage easements to the City, including necessary access easements from a public street or existing access easement.
 - iii. Access shall be prohibited from private lots to open space lots and Los Peñasquitos Canyon Preserve.
 - iv. The design, landscaping fencing and building setbacks on lots adjacent to Los Peñasquitos Canyon Preserve shall be such as to eliminate or minimize the visual impact from the Preserve (Units 3, 4, 12, 14, 15, 16, 17, and 18).
 - v. All storm drains terminating in open space lots shall be extended to the low point, to prevent hillside erosion, with energy dissipators to prevent downstream erosion.
 - vi. Full-depth Brush Management Zones are required where the private lots are adjacent to the Los Peñasquitos Canyon Preserve (Unit 14, Lots 14 and 15; Unit 17, Lots 17 and 18; Unit 18, Lots 9, 10, 11, 12, and 13).
 - vii. All future City-owned open-space lots shall have invasive exotic plants removed and shall be replanted with native plants.
 - viii. All manufactured slopes within City-owned open-space shall be planted with native plants, shall have temporary irrigation systems, and shall be maintained by the developer. The manufactured slopes shall not be accepted into the City inventory until the plants are in a healthy and vigorous condition and the temporary irrigation system is removed.
 - ix. No off-site grading is permitted in Los Peñasquitos Canyon Preserve (Lots 18 and 19, Unit 17).
- b. Unit 1:
- i. Lots "A" and "B" shall be granted as negative open-space easements for brush management and shall be owned and maintained by the master homeowners' association.
 - ii. Lot 20 shall be granted as a negative open-space easement with an irrevocable offer to dedicate as open space to be accepted in fee simple, at no cost to the City, when access from a public street is provided.
- c. Unit 2:
- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
 - ii. Lot 34 shall be deeded to the City in fee title, at no cost to the City, for open space.

iii. Lot "B" shall be owned and maintained by the master homeowners' association.

d. Unit 3:

i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.

ii. Lot 16 shall be deeded to the City in fee title, at no cost to the City, for open space.

e. Unit 4:

i. Lots "A" and "B" shall be granted as negative open-space easements for brush management and shall be owned and maintained by the master homeowners' association.

ii. Lot "C" shall be owned and maintained by the master homeowners' association.

iii. Lot 40 shall be deeded to the City, at no cost to the City, for open space.

f. Unit 5:

There are no Open Space requirements for Unit 5.

g. Unit 6:

i. Lot "A" shall be granted as a negative open-space easement for brush management.

ii. Lot 37 shall be granted as a negative open-space easement with an irrevocable offer to dedicate for open space to be accepted, at no cost to the City, when access from public street is acquired.

h. Unit 7:

i. Lots "A" and "B" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.

ii. Lot "C" shall be granted as a building-restricted easement or a negative open-space easement for brush management.

iii. Lot 55 shall be deeded to the City in fee title, at no cost to the City, for open space. An easement shall be required for a desilting basin.

iv. There is a proposed sewer in Lot 55; an easement acquisition is required.

i. Unit 8:

Lot "A" shall be owned and maintained by the master homeowners' association.

j. Unit 9:

There are no open space requirements for Unit 9.

k. Unit 10:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 39 shall be deeded to the City in fee title, at no cost to the City, for open space. An easement shall be required for a desilting basin.
- iii. There is a proposed sewer in Lot 39; an easement acquisition is required.

l. Unit 11:

There are no Open Space requirements for Unit 11.

m. Unit 12:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 47 shall be deeded to the City in fee title, at no cost to the City, for open space. An easement shall be required for a desilting basin. An easement acquisition is required for the 20-foot-wide multiple-use easement.

n. Unit 13:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 45 shall be deeded to the City in feet title, at no cost to the City.

o. Unit 14:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 29 shall be deeded to the City in fee title, at no cost to the City, for open space. An easement shall be required for desilting basins in open space.

p. Unit 15:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 47 shall be deeded to the City in fee title, at no cost to the City, for open space.

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q. Unit 16:

- i. Lot "A" shall be granted as negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 17 shall be deeded to the City in fee title, at no cost to the City, for open space. An easement shall be required for desilting basins in open space.

r. Unit 17:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot "B" shall be owned and maintained by the master homeowners' association.
- iii. Lot 58 shall be deeded to the City in fee title, at no cost to the City, for open space.

s. Unit 18:

- i. Lot "A" shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association.
- ii. Lot 25 to be deeded to the City in fee title, at no cost to the City, for open space.

t. Unit 19:

- i. Lot "A" (not shown on the tentative map) shall be granted as a negative open-space easement for brush management and shall be owned and maintained by the master homeowners' association. This lot is required Brush Management Zones for Lots 1 and 2.
- ii. Lot 4 shall be granted as a negative open-space easement with an irrevocable offer to dedicate for open space. It will be accepted when access from a public street is provided. An easement shall be required for a desilting basin.

u. Unit 20:

There are no Open Space requirements for Unit 20.

v. Unit 21 (School/Park Sites):

There are no Open Space requirements for Unit 21.

49. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 91-0834 as adopted by City Council, satisfactory to the Planning Director and the City Engineer.

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50. This subdivision is in a community plan area designated in the General Plan as Planned 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 Development Services Director. 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.

51. Prior to the issuance of any building permits the developer shall demonstrate compliance with the North City West School Facilities Master Plan. Compliance may be evidenced through either of the following methods: (a) by otherwise demonstrating the availability of school facilities to accommodate residents of the subdivision; or (b) by participating in the "School Deposit Procedure: alternative, as provided in the Master Plan. A development agreement may be required, as provided in the North City West School Facilities Master Plan to implement the deposit procedure.

52. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering 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 Carmel Valley Community Plan area.
- This community may be subject to impact fees, as established by the City Council.
- 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.