

RESOLUTION NUMBER R-285086

ADOPTED ON DECEMBER 6, 1994

WHEREAS, AG LAND ASSOCIATES, Applicant, and CROSBY, MEAD, BENTON & ASSOCIATES, Engineer, filed an application for a 195-lot tentative map and street vacation (identified as Tentative Map No. 91-0361) for Sorrento Hills Boulevard, Lupine Street, Invention Drive, and Sorrento Hills Way and a street reservation, located east of I-5 and south of Carmel Mountain Road, and described as Sorrento Hills Corporate Center, Phase 2, Unit 2, Map No. 12610, a portion of Unit 3, Map No. 12607, and Unit 6, Map No. 12611, and portions of Sections 31 and 32 of T14S, R3W, SBM, in the A-1-10, M-IP, and M-1B (proposed M-1A, M-IP, M-1B, and R-1500) Zones; and

WHEREAS, on October 27, 1994, the Planning Commission recommended approval of Tentative Map No. 91-0361, Torrey Reserve Heights; and

WHEREAS, the matter was set for public hearing before the Council on December 6, 1994, 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, Tentative Map No. 91-0361:

1. The map proposes the subdivision of a 329.1-acre site into 195 lots for industrial, commercial, and residential

development. This type of development is consistent with the General Plan and the Sorrento Hills Community Plan, which designate the area for industrial, commercial, and 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 M-1A, M-IP, M-1B, and R-1500 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 Industrial Development/Planned Residential Development/Coastal Development Permit (PID/PRD/CDP).

b. All lots meet the minimum dimension requirements of the M-1A, M-IP, M-1B, and R-1500 Zones, as allowed under a PID/PRD/CDP.

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 PID/PRD/CDP.

d. Development of the site is controlled by Planned Industrial Development/Planned Residential Development/Hillside Review/Coastal Development Permit No. 91-0361.

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 industrial, commercial, and 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 industrial, commercial, and residential 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 of Environmental Impact Report No. 91-0361, which is incorporated 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 as 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, in as much 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.

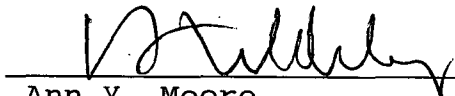
9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for 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.

10. The property contains right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307.

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

BE IT FURTHER RESOLVED, that Tentative Map No. 91-0361, Torrey Reserve Heights, is hereby granted to AG Land Associates, Applicant, and Crosby, Mead, Benton & Associates, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Ann Y. Moore
Deputy City Attorney

AYM:ps:pev
01/25/95
Or.Dept:Clerk
R-95-954

CONDITIONS TO TENTATIVE MAP NO. 91-0361
TORREY RESERVE HEIGHTS

1. This tentative map will become effective with City Council approval of the associated rezoning, community plan amendment, and street vacations and will expire three years thereafter. If the rezoning, community plan amendment, and/or street vacations is denied, then this tentative map shall be deemed denied.
2. The final map shall conform to the provisions of Planned Industrial Development/Planned Residential Development/Coastal Development Permit No. 91-0361.
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

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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 recordation of any final map or the issuance of a grading or pre-grading permit for any portion of the project site, proof of an incidental take permit under 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 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 7 or Section 10a permit will require reconsideration by the appropriate City decision-making body.

Prior to the issuance of an Interim Habitat Loss Permit and associated grading or pre-grading permit for any portion of the project site, the project is required to obtain final concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the NCCP Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence will require reconsideration by the appropriate City decision-making body.

Approval of this map does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a five percent cumulative loss calculated at the grading permit stage.

9. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 91-0361, satisfactory to the Planning Director and the City Engineer, which is included herein by this reference.
10. 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.

11. 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.
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. Prior to the recordation of the final map that includes Sorrento Hills Way to be vacated, the subdivider shall dedicate additional right-of-way to provide an off-site cul-de-sac right-of-way radius of 60 feet and shall provide off-site improvements to include pavement, curb, gutter, and sidewalk with a cul-de-sac curb radius of 50 feet, satisfactory to the City Engineer.
14. This subdivision shall comply with the approved traffic study for the Sorrento Hills Community Plan Update, satisfactory to the City Engineer.
15. The final map shall conform to the Transportation Phasing Plan for Sorrento Hills as identified in the Sorrento Hills Public Facilities Financing Plan. This may involve the assurance of additional public improvements, satisfactory to the City Engineer.
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 easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. 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. 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 the landscaped maintenance district and assuring there are adequate funds to provide for this maintenance, by including the maintenance in the Homeowners' Association agreement, or by including it in the CC&Rs.

This condition shall apply to all rights-of-way except along Carmel Mountain Road and Sorrento Hills Boulevard East where there shall be a non-contiguous sidewalk, landscaped slopes no greater than 3:1, and no slope easements adjacent to the right-of-way; all satisfactory to the City Engineer.

18. Providing streets, including freeway interchange, for this subdivision is dependent upon the prior construction of certain streets in previously approved developments 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, including freeway interchange, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
19. Carmel Mountain Road is classified as six-lane primary arterial from I-5 to El Camino Real and a six-lane major street east of El Camino Real within a minimum 122-foot-wide right-of-way and a 132-foot-wide right-of-way where dual left-turn lanes are required. The subdivider shall dedicate a 122-foot-wide right-of-way and a 132-foot-wide right-of-way where dual left-turn lanes are required and shall provide pavement, a 14-foot-wide raised landscaped center median, curb, gutter, and five-foot sidewalk within a minimum ten-foot curb-to-property-line distance, satisfactory to the City Engineer. Where there is to be a non-contiguous sidewalk with a seven-foot landscaped parkway, the total sidewalk area shall be within the right-of-way. This street may have additional right-of-way width for additional lanes at the intersections and a landscaped parkway area, satisfactory to the City Engineer.
20. Sorrento Hills Boulevard East, from Carmel Mountain Road south to approximately STA 71+00 is classified as a four-lane major street within a minimum 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 98-foot-wide right-of-way and a 108-foot-wide right-of-way where dual left-turn lanes are required and shall provide a minimum 64 feet of pavement, curb, gutter, five-foot-wide sidewalk within a minimum ten-foot curb-to-property-line distance, and a 14-foot-wide raised landscaped center median, satisfactory to the City Engineer. This street may have additional right-of-way width for additional lanes at the intersections and a landscaped parkway area, satisfactory to the City Engineer.

21. Sorrento Hills Boulevard East from approximately STA 71+00 south to STA 56+00 is classified as a four-lane collector street within a minimum 92-foot-wide right-of-way. The subdivider shall dedicate a minimum 92-foot-wide right-of-way and shall provide a minimum 64 feet of pavement, additional pavement for left-turn lanes, curb, gutter, and five-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. This street may have additional right-of-way width for additional lanes at the intersections and a landscaped parkway area, satisfactory to the City Engineer.
22. Sorrento Hills Boulevard East from approximately STA 56+00 south to the cul-de-sac is classified as a two-lane collector street within a minimum 70-foot-wide right-of-way. The subdivider shall dedicate a minimum 70-foot-wide right-of-way and shall provide a minimum 50 feet of pavement, curb, gutter, and five-foot-wide sidewalk on both sides of the street within a minimum ten-foot curb-to-property-line distance, satisfactory to the City Engineer. This street may have additional right-of-way width for a landscaped parkway area, satisfactory to the City Engineer.
23. Street "H" is classified as a two-lane local industrial street within a 64-foot-wide right-of-way. The subdivider shall dedicate a 64-foot-wide right-of-way and shall provide 44 feet of pavement, curb, gutter, and five-foot-wide sidewalk on both sides of the street within a minimum ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
24. Street "G" is classified as a two-lane local industrial streets within a 59-foot-wide right-of-way. The subdivider shall dedicate a 59-foot-wide right-of-way and shall provide 44 feet of pavement, curb, gutter, five-foot-wide sidewalk on the north side of the street within a ten-foot curb-to-property-line distance, and a five-foot curb-to-property-line distance with no sidewalk on the south side of the street, satisfactory to the City Engineer.
25. Street "A" is classified as a modified four-lane major street between Sorrento Valley Boulevard, Station 100+00, and Station 103+25. The subdivider shall obtain and dedicate an additional four feet of right-of-way from CalTrans to complete a 74-foot-wide right-of-way and shall provide additional pavement to complete a 60-foot-wide roadway, including a ten-foot-wide center striped median, curb, and gutter, maintaining the existing curb, gutter, and five-foot-wide sidewalk on the east side of Street "A", satisfactory to the City Engineer.
26. Street "A" is classified as a modified four-lane major street between Station 103+25 and Station 112+70. The

subdivider shall dedicate a varying 74-foot-wide to 87-foot-wide right-of-way and shall provide a varying 60-foot to 72-foot width of pavement and bridge, including an eight-foot-wide barricaded center median, curb, gutter, and minimum five-foot-wide contiguous sidewalk within a ten-foot curb-to-property-line distance on the east side of the street, satisfactory to the City Engineer.

27. Street "A" is classified as a modified four-lane major street between Station 112+70 and Station 135+20. The subdivider shall dedicate a varying 87-foot-wide to 107-foot-wide right-of-way and shall provide a uniform 72-foot width of pavement and bridge, including an eight-foot-wide barricaded center median, curb, gutter, and minimum five-foot-wide sidewalk within a ten-foot curb-to-property-line distance on the east side of the street, satisfactory to the City Engineer.

The final design of the bridge shall be satisfactory to the City Engineer.

28. Street "A" is classified as a four-lane major street between Station 135+20 and Carmel Mountain Road. The subdivider shall dedicate a varying 107-foot-wide to 139-foot-wide right-of-way and shall provide 64 feet of pavement and a 14-foot-wide raised landscaped center median widened at the intersection for left- and right-turn pockets, curb, and gutter; non-contiguous five-foot-wide sidewalk shall be provided within a minimum 15-foot-wide curb-to-property-line distance, on the east side, between Station 135+20 and Carmel Mountain Road, and on the west side, between Street "B" and Carmel Mountain Road; all satisfactory to the City Engineer. This street may have additional right-of-way width for additional lanes at the intersections and landscape parkway areas, satisfactory to the City Engineer.
29. Street "B" is classified as a four-lane collector street within a minimum 92-foot-wide right-of-way. The subdivider shall dedicate a minimum 92-foot-wide right-of-way and shall provide 64 feet of pavement, additional pavement for left-turn lanes, curb, gutter, and minimum five-foot-wide sidewalk within a minimum ten-foot curb-to-property-line distance, satisfactory to the City Engineer. The raised median shall be landscaped.
30. Streets "C" and "E" are classified as four-lane collector streets within a minimum 98-foot-wide right-of-way. The subdivider shall dedicate a minimum 98-foot-wide right-of-way and shall provide 64 feet of pavement, additional pavement for left-turn lanes, a 14-foot-wide raised landscaped center median, curb, gutter, and minimum five-foot-wide sidewalk within a minimum ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

The raised median shall be landscaped.

31. Streets "D" and "F" are classified as two-lane collector streets within a minimum 60-foot-wide right-of-way. The subdivider shall dedicate a minimum 60-foot-wide right-of-way and shall provide minimum 40 feet of pavement, curb, gutter, and minimum five-foot-wide sidewalk within a minimum ten-foot curb-to-property-line distance, satisfactory to the City Engineer. The right-of-way and pavement width varies from 64 feet and 40 feet to 84 feet and 68 feet respectively.
32. Lot 67, private street, shall have a minimum 36 feet of pavement, curb, gutter, sidewalk on both sides of the street, and a standard structural cross section, satisfactory to the City Engineer. Where there is a median, the pavement width shall be 20 feet on each side of the median. The subdivider shall provide a five-foot curb-to-property-line distance on one side of the street and a ten-foot curb-to-property-line distance on the other side of the street, satisfactory to the City Engineer. Parking shall be prohibited on both sides of the private street, satisfactory to the Fire Department.
33. The subdivider shall provide an access easement from Street "F" and Sorrento Hills Boulevard East to the adjacent property. The access-easement area shall be graded, with the final map for this tentative map, adequately to serve the adjacent property, satisfactory to the City Engineer.
34. The subdivider shall dedicate the necessary right-of-way for CalTrans with the recordation of the first final map, satisfactory to the City Engineer.
35. The street name "Sorrento Hills Boulevard East," as shown on the tentative map, is not approved. The street will require a new name and will require the subdivider to process a street name change for the portion of dedicated right-of-way between the subdivision boundary and Carmel Mountain Road.
36. Prior to the recording of the first final map, the subdivider shall comply with the Sorrento Hills Development Agreement, satisfactory to the City Engineer.
37. The subdivider shall provide traffic signals at the following intersections, satisfactory to the City Engineer:
 - a. Carmel Mountain Road at El Camino Real
 - b. Carmel Mountain Road at Sorrento Hills Boulevard East
 - c. Carmel Mountain Road at Street "A"

- d. Street "A" at Street "B"
 - e. Street "A" at Street "C"
 - f. Street "A" at Street "E"
 - g. Street "D" at Street "B"
 - h. Street "D" at Street "C"
 - i. Street "E" at Street "F"
 - j. Street "A" at Sorrento Valley Boulevard/Vista Sorrento Parkway
 - k. Sorrento Valley Boulevard at Roselle Street
38. Prior to the recordation of the final map, the subdivider shall provide an updated roadway/stripping plan for El Camino Real and Carmel Mountain Road to incorporate the new lanes at the intersections as described in the traffic study, a four-foot-wide bike lane to the left of any dedicated right-turn lane, and median modification to allow left-turns into the side street but restricted left-turns out of the side street, satisfactory to the City Engineer.
39. Water Requirements:
- a. The developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Utilities Director, 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 developer shall provide a water study, satisfactory to the Water Utilities Director. The study must include service to the entire pressure zone(s) that are required to serve this development. The minimum pipe size for the main in Carmel Mountain Road east of El Camino Real shall be 30 inches in diameter.

The City will participate in the incremental cost to increase the size of the transmission main from 24-inch to 30-inch.
 - c. The developer shall provide a phasing plan satisfactory to the Water Utilities Director.
 - d. The developer shall install all facilities, as required by the approved water study and phasing plan necessary to serve this development.

- e. Water availability in this area may be limited due to the status of the design and construction of the Green Valley Pipeline. Completion of Reach 5 of the Green Valley Pipeline will be required prior to the issuance of any building occupancy permits. A current water study shows that the entire North City 610 Pressure Zone is deficient and does not have an adequate water supply to serve development beyond the existing threshold limit.
- f. The subdivider shall provide a water study, in accordance with the approved scope of work for the Miramar 712/North City 610 Pressure Zones, by Pountney & Associates, satisfactory to the Water Utilities Director.
- g. The subdivider may request the City to process a participation agreement to recover a portion of the developer's cost of the 712/610 water study, in accordance with City regulations and practices pertaining thereto.

40. Sewer Requirements:

- a. The developer shall install all facilities, as required by the approved study, "Alternate Replacement Sewer Study for Torrey Reserve Heights Environmental Impact Report," dated April 29, 1994, by Crosby, Mead, Benton & Associates, necessary to serve this development, in a manner satisfactory to the Water Utilities Director.
- b. The Peñasquitos Trunk Sewer is approaching its ultimate capacity. If any wastewater from this development flows into the Peñasquitos Trunk Sewer, then connections may be limited.

41. Water and Sewer Requirements:

- a. The subdivider shall provide individual predesign reports for any and all pumping and pressure reducing stations, satisfactory to the Water Utilities Director.
- b. 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 shall 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.
- c. Providing water and sewer for this subdivision is dependent upon the prior construction of certain water

and sewer mains in previously approved TM 84-0519, TM 84-0520, and TM 85-0824 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.

d. 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.

42. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer. The developer shall provide a drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur 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.

The detention basins as shown on the preliminary drainage study exhibit shall be private. A flood-water-storage easement shall be granted over each of the detention basins.

43. 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 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.

44. Portions of the project are located in the floodplain of Los Peñasquitos Creek, as delineated on Panel 71 and 73 of the

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Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this tentative map:

- a. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- b. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- c. The developer shall denote on 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 developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- e. The developer 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. No permits shall be issued for grading or other work in the floodplain of Los Peñasquitos until the developer obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego Engineering and Development Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- h. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego Engineering and Development Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- i. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The

Floodplain Management Section of the City of San Diego Engineering and Development Department will notify the Development Services Division of such issuance as soon as it is informed by FEMA.

- j. Notes provided by the Floodplain Management Section of the City of San Diego Engineering and Development Department concerning work in designated floodplains shall be included in all grading and improvement plans.
45. Prior to the recordation of the first final map, a lighting and landscape maintenance assessment district shall be initiated for the Sorrento Hills Community.
46. Park & Recreation and Open Space Requirements:
- a. The developer shall enter into an agreement acceptable to the City Manager for the acquisition, design, and construction of a neighborhood park located on Lots 72 to 80, Lots "D" and "E", and portions of Lots 152 and 153 located in this subdivision. Said agreement shall be approved prior to the recordation of the first final map of any unit within this subdivision.
 - b. The developer shall deed said neighborhood park to the City at no cost.
 - c. The developer shall establish a Master Homeowners' Association (MHOA) which shall govern and enforce the CC&Rs of this development. The MHOA shall be responsible for maintenance of all common areas associated with this development.
 - d. The developer shall enter into an agreement which provides for the Sorrento Hills Landscape and Lighting Maintenance Assessment District to maintain Lots "D" and "E", Lots 77 and 78, and portions of Lots 152 and 153. The MHOA shall maintain said lots if the landscape maintenance district is unable or unwilling to maintain.
 - e. The developer shall design and construct a fitness center in the Village Center to the satisfaction of the Park and Recreation Director. Said fitness center shall contain facilities to serve the residence of the Sorrento Hills Community. This facility shall contain but not be limited to weight, aerobics, shower and meeting rooms and other areas deemed acceptable for active or passive uses. The fitness center shall be deed restricted to all members of the MHOA. All members of the MHOA may be entitled to use the fitness center during normal operating hours. Such use shall be subject to payment of appropriate dues which can be

assessed through the MHOA if so desired.

- f. The developer shall enter into an agreement with the City Manager which shall provide for additional residential development (Torrey View, Torrey Reserve Terraces, etc.) to reimburse this developer on a fair share cost of providing a neighborhood park and the Village Center Recreation Facility. This shall be a good faith offer by the developer. If said agreement cannot be approved prior to the recordation of the first final map of any unit within this subdivision, this section (48f) shall be null and void.

47. Open Space Requirements:

- a. Lots "P" and "R" shall have a negative open space easement and shall be owned and maintained by the homeowners' association or the property owner.
- b. Lots "B", "C", "G", "H", "L", "M", "N", "Q", "S", "T", "V", and portions of Lots 8, 14, 18, 19, and 23 through 26 shall have a negative open space easement for brush management.
- c. Off-site grading in Los Peñasquitos Canyon Preserve is prohibited.
- d. Access to Los Peñasquitos Canyon Preserve shall be prohibited except at trail locations as approved by the Park and Recreation Department, Open Space Division.
- e. Trails constructed in Los Peñasquitos Canyon Preserve shall be done by the developer, at no cost to the City, under the direction of the Senior Park Ranger, with respect to location, width, grade, and materials. Plans shall be submitted to the Development Services Director and the Park and Recreation Director for approval prior to construction.

48. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
- d. Provide temporary street signs.

- e. Comply with the City of San Diego Landscaping Technical Manual regarding brush and landscaping.
49. 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 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.

50. Prior to recordation of the final map, the owner shall provide a letter to the City Engineering Department, from SDG&E, stating that the grading, improvement plans, and final map for the subdivision provide the necessary access road grading, easements and/or right-of-way which satisfy SDG&E's needs for access over Lots 21 and 22 (TM 91-0361) to and along the southern boundary of SDG&E's Penasquitos Substation.

FOR INFORMATION:

- This development 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 development may be subject to impact fees, as established by the City Council.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

APPROVED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON DECEMBER 6, 1994, BY RESOLUTION NO. R-285086.