

(R-96-536)

RESOLUTION NUMBER R-286502

ADOPTED ON OCTOBER 31, 1995

WHEREAS, BLACK MOUNTAIN RANCH LIMITED PARTNERSHIP, Applicant, and RICK ENGINEERING COMPANY, Engineer filed an application for a 1189-lot subdivision map, request for an underground waiver and street vacation, located north and east of Carmel Valley Road and north and west of the Rancho Penasquitos Community, and described as a portion of Section 25, a portion of Section 36, Township 13 South, Range 3 West, San Bernardino Meridian and portions of Sections 30, 31, 32, and 33, Township 13 South, Range 2 West, San Bernardino Meridian and a portion of Section 4, Township 14 South, Range 2 West, San Bernardino Meridian and portions of Sections 1 and 2, Township 14 South, Range 3 West, San Bernardino Meridian and a portion of Parcels 1 and 2 of Parcel Map 12443, in the North City Future Urbanizing Area Subarea I and partially in the Rancho Penasquitos Community Plan area, in the A-1-10/HR and R1-5000 zones; and

WHEREAS, the matter was set for public hearing on October 31, 1995, testimony having been heard, evidence having been submitted, and the 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. 95-0173:

1. The map proposes the subdivision of a 4,677-acre site into 1189 lots for the development of residential, golf courses, parks and open space. This type of development is consistent with the General Plan and the Future Urbanized area which designates the area for uses

allowed in the A-1-10 and R1-5000 zones. 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-1-10 and R1-5000 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 Permit and Resource Protection Ordinance Permit.

b. All lots meet the minimum dimension requirements of the A-1-10 and R1-5000 zones, as allowed under a Planned Residential Permit and Resource Protection Ordinance 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, only as allowed under a Planned Residential Development Permit and Resource Protection Ordinance Permit.

d. Development of the site is controlled by Planned Residential Development Permit and Resource Protection Ordinance Permit No. 95-0173.

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, golf course, park and open space 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 suitable for the proposed density of development. This is consistent with the community plan, which provides for residential, golf course, park and open space development uses.

6. The design of the subdivision or the proposed improvements will not cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings in Environmental Impact Report No. 95-0173, which is included herein by this reference. However, a finding has been made pursuant to subdivision 9(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 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 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

Council.

10. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.

11. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code section 10.0404 and Council Policy No. 600-25.

12. The requested waiver qualifies under the guidelines of Council Policy No. 600-25 in that:

- a. The facility to be converted is under built on a 69 KV or larger facility (which is not to be undergrounded) and does not require a substantial number of poles to support solely the facilities requested to be waived.

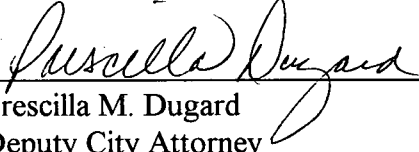
13. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307. The vesting tentative map must be approved by the Council.

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

BE IT FURTHER RESOLVED, that Tentative Map No. 95-0173 is hereby granted to BLACK MOUNTAIN RANCH LIMITED PARTNERSHIP, Applicant and RICK

ENGINEERING COMPANY, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla M. Dugard
Deputy City Attorney

PMD:pev
9/4/97
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
TENTATIVE MAP NO. 95-0173

1. This vesting tentative map will expire three (3) years after the approval of the Vesting Tentative Map (VTM), Planned Residential Development (PRD) Permit, Resource Protection Ordinance (RPO) Permit, and Street Vacation (SA) by the City Council. The Vesting Tentative Map may be eligible for an Extension of Time (EOT) for the duration of the Development Agreement, in accordance with Section 66452.6 of the Subdivision Map Act.
2. The approval of this vesting tentative map, will automatically terminate Tentative Map No. 90-0332 and Tentative Map No. 91-0313 and their associated permits, and they will no longer be of any force or effect.
3. The final map shall conform to the provisions of Planned Residential Development Permit and Resource Protection Ordinance Permit No. 95-0173.
4. 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 vesting 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.

5. "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).
6. "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."
7. 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.

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- 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.
8. The approval of this vesting 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.).
9. 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, except as provided for in the Development Agreement.
10. 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 and require appropriate off-site improvements in connection with each unit.
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, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
12. Lot 7 of Unit 29 shall not be developed until such time a site specific

development is approved (shall have a building restricted easement).

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. 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.
15. Under grounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2. Lines underhung on 69KV poles are waived from Under grounding.
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 noncontiguous sidewalks shall be located within dedicated right-of-way providing for an adequate parkway, satisfactory to the City Engineer. This may involve the dedication of additional right-of-way to provide an increased curb-to-property-line distance.
18. The subdivider shall be responsible for, and shall ensure, all the off-site and on-site dedication, improvements, grade and alignment studies, and traffic improvements, as required in the approved traffic study, transportation phasing plan, and development agreement, satisfactory to the City Engineer.
19. The subdivider shall construct wildlife under crossings at all regional wildlife corridors. The under crossings shall be designed with a span and height clearance to accommodate a regional wildlife corridor. Sufficient area of natural undisturbed grade shall be retained under the span to allow unrestricted wildlife movement. Construction of a bridge meeting these criteria is preferred.

Multiple culverts may be substituted for a bridge if such culverts are determined by the Principal Planner of the environmental analysis section to meet these criteria. The subdivider shall submit a preliminary design for the wildlife under

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crossings, satisfactory to the City Engineer and the Principal Planner of the Environmental Analysis section, of the Development Services Department.

20. Artesian Road is classified as a two-lane collector. When requested by the City Engineer the subdivider shall grant a 30-foot wide Irrevocable Offer of Dedication with slope easements, satisfactory to the City Engineer.
21. Black Mountain Road is classified as a major street within a 98-foot-wide right-of-way. The subdivider shall dedicate a 98-foot-wide right-of-way and shall provide a 14-foot-wide raised, landscaped, center median, 64 feet of pavement, 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. The subdivider may construct less than full width improvements provided that the detailed striping plan is satisfactory to the City Engineer. Access rights shall be relinquished along Black Mountain Road.
22. Camino Del Norte is classified as a modified major street. When requested by the City Engineer, the subdivider shall grant an irrevocable offer of dedication for a 122-foot-wide right-of-way with slope easements, satisfactory to the City Engineer.
23. Camino Ruiz is classified as a modified major street. The subdivider shall dedicate, on-site and off-site, from its intersection with Carmel Valley Road northerly to San Dieguito Road., a 122-foot-wide right-of-way and shall provide a 38-foot-wide raised, landscaped, center median, 64 feet of pavement (four-lane), 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. There shall be no direct access onto Camino Ruiz except for emergency access and Lots 10 & 11 of Unit 23, Lot 62 of Unit 26 and Lots 67 and 68 of Unit 25. Access rights shall be relinquished along Camino Ruiz except as noted.

Between San Dieguito Road and Street "CM" the subdivider shall dedicate the east half right-of-way of 61 feet with slope easements and provide 32 feet of pavement, curb, gutter and four-foot-wide sidewalk within a ten foot curb-to-property distance, satisfactory to the City Engineer.

When requested by the City Engineer, the subdivider shall grant an I.O.D. for the remaining 61 feet from San Dieguito Road to Street "CM" and the full 122-foot-wide right-of-way, with slope easements, from Street "CM" to Camino Del Norte for Camino Ruiz as shown on the approved vesting tentative map, satisfactory to the City Engineer.

24. The off-site conditions and requirements for Camino Ruiz south of Carmel Valley

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Road shall be in accordance with the Development Agreement.

25. Carmel Valley Road is classified as a modified major street. The subdivider shall dedicate, on-site and off-site, from the intersection of Carmel Valley Road and Camino Ruiz to 1100-feet easterly of Carmel Valley Road and Black Mountain Road, a 122-foot-wide right-of-way and shall provide a 38-foot-wide raised, landscaped, center median, 64 feet of pavement (four-lane), curb, gutter, and five-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance. The subdivider shall provide a temporary cul-de-sac at the easterly terminus of Carmel Valley Road, all satisfactory to the City Engineer. There shall be no direct access onto Carmel Valley Road except for emergency access. The subdivider may construct 2 of the ultimate 4 lanes, with a minimum of 40 feet of pavement deferring the remaining street improvements, in accordance with the Development Agreement, satisfactory to the City Engineer. Access rights shall be relinquished along Carmel Valley Road except as noted and for access to the park and reservoir site east of Black Mountain Road.

The subdivider shall dedicate the north half right-of-way of 61 feet from the intersection of Carmel Valley Road and Camino Ruiz westerly to Via Abertura with a minimum of 40-feet of pavement, curb, gutter and a five-foot sidewalk within a ten-foot curb-to-property line distance, satisfactory to the City Engineer.

When requested by the City Engineer the subdivider shall grant an Irrevocable Offer of Dedication of 122-foot right-or-way, with slope easements from 1100-feet easterly of the intersection of Carmel Valley Road and Black Mountain Road, with slope easements to the northeasterly subdivision boundary, satisfactory to the City Engineer.

A landscape berm and noise wall will be built adjacent to a portion of Carmel Valley Road. The actual location and size of the landscape berm and noise wall will be in accordance with the Vesting Tentative Map 95-0173. The landscape berm and noise wall will be built concurrently with Carmel Valley Road.

26. The subdivider shall improve Carmel Valley Road off-site, from Via Abertura to SR-56, with an alignment satisfactory to the City Engineer, as follows:
- a. Dedicate a minimum 50-foot-wide right-of-way, with additional dedication at all intersections to accommodate left-turn pockets.
 - b. Provide 40 feet of pavement with five-foot shoulders.
 - c. The road shall have a design speed range of 45 MPH to 55 MPH.

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- d. Provide a truck climbing lane where the grade exceeds six percent (6%).
 - e. The proposed interim improvements to Carmel Valley Road would not connect with the old connection of Carmel Valley Road to Landsdale, until SR-56 and Del Mar Heights Road are completed.
27. San Dieguito Road is classified as a two-lane 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 five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
28. Resort Street is classified as a four-lane collector street. When requested by the City Engineer, the subdivider shall grant an irrevocable offer dedication for a 92-foot-wide right-of-way with slope easements, satisfactory to the City Engineer.
29. Streets "AZ: (east of Street "I"), Street "M" (between Streets "O" and "CL"), "Q", "AE", "AF", "AG", "AX", "BE", "BQ", "BV", "BX", "BY" and "CF" are classified as single-loaded residential streets. The subdivider shall dedicate a 43-foot-wide right-of-way and shall provide 28 feet of pavement, curb, gutter, and four-foot-wide sidewalk on the developed side of the street within a ten and five-foot curb-to-property-line distance, satisfactory to the City Engineer.
30. Streets "EE" and "FF" are classified as single-loaded residential streets. The subdivider shall dedicate a 43-foot-wide right-of-way and shall provide 28 feet of pavement, curb, gutter, and four-foot-wide sidewalk on the developed side of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
- For Street "FF", the subdivider shall, for the northerly cul-de-sac, provide a 58-foot right-of-way radius and a 48-foot curb radius. The subdivider shall, for the southerly cul-de-sac, provide a 45-foot right-of-way radius and a 35-foot curb radius.
31. Streets "A", "C", "E" (south of Street "D"), "F", "H", "K", "L", "N", "O", "T", "U" (west of Street "AO"), "Y", "Z", "AB", "AC", "AD", "AH", "AJ", "AK", "AN", "AP", "AR", "AS", "AU", "AW", "AY", "BA", "BB", "BD", "BG", "BF", "BH", "BI", "BK" (east of Street "BI"), "BL", "BM", "BN", "BO", "BP", "BR", "BS", "BT", "BU", "BW", "BZ", "CA", "CB", "CD" "CI" and "NN" are classified as residential streets. The subdivider shall dedicate a 56-foot-wide right-of-way with a 45-foot cul-de-sac right-of-way radius and shall provide 36 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 35-foot cul-de-sac curb radius, satisfactory to the City Engineer.

32. Street "CM" is a residential street. The subdivider shall dedicate a 60-foot-wide right-of-way, and provide 40-feet of pavement curb, gutter, and 4-foot-wide sidewalk, within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
33. Street "D" is classified as a residential street with varying rights-of-way. The subdivider shall dedicate a 60-foot-wide fight-of-way from Street "CL" to Street "E" and a 56-foot-wide right-of-way south of Street "E", and provide 40 and 36 feet of pavement respectively, curb, gutter and 4-foot-wide sidewalk, within a ten-foot curb-to-property-line distance. The cul-de-sacs shall have a 35-foot curb radius and a 45-foot right-of-way radius.
34. Street "B" is classified as a modified two-lane collector. The subdivider shall dedicate a 98-foot-wide right-of-way and shall provide a 28-foot raised, landscape, center median, 40 feet of pavement, curb, gutter and five-foot-wide sidewalk on both sides of the street within a 15-foot curb-to-property-line distance, satisfactory to the City Engineer.
35. Private driveway "B" (east of the intersections of Street "J" and Street "B"), shall have two 20-foot City Standard driveways. Curb returns shall not be permitted.
36. Streets "E" (north of Street "D"), "I" (west of Street "CI"), "P", "S", "U" (east of Street "AO"), "W", "X", "AZ" (west of Street "I"), "BK" (west of Street "BI"), "CC", "DD", and "CF" are classified as residential streets. The subdivider shall dedicate a 56-foot-wide right-of-way with a 58-foot cul-de-sac right-of-way radius and shall provide 36 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 48-foot cul-de-sac curb radius, satisfactory to the City Engineer. The subdivider shall provide an intermediate turnaround on Street "U" east of Street "AB".
37. Streets "I" (north of Street "BO" and south of Street "BC") and "J" (north of Street "U" and south of Street "AO") are classified as residential streets. The subdivider shall dedicate a 56-foot-wide right-of-way with a 58-foot cul-de--sac right-of-way radius and shall provide 36 feet of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 48-foot cul-de-sac curb radius, satisfactory to the City Engineer.
38. Street "I" (between Streets "BC" and "BO") is classified as a two-lane collector. 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 on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

39. Street "J" (between Streets "U" and "AO") is classified as a residential local street with a maximum street grade of 12%. 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 on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
40. The at-grade golf-cart crossing on Street "J" (north of Street "B") shall only be permitted if the subdivider provides appropriate traffic control measures and enters into an indemnification agreement to protect and hold the City harmless, satisfactory to the City Engineer.
41. Street "Z" north of Camino Del Norte is classified as a modified four-lane major street and is classified as a modified 2 two-lane collector street south of Camino Del Norte. The subdivider shall dedicate, on-site and off-site, a half-width right-of-way of 52 and 32.5 feet, respectively, with additional right-of-way at the intersection for turn pockets. The subdivider shall provide full half-width improvements of pavement, curb, gutter, five-foot-wide sidewalk within a 12-foot curb-to-property-line distance, and a raised median, satisfactory to the City Engineer.
42. Streets "G", "M" (between Streets "O" and "L"), "AA", "AT", "BC", and "GG" are classified as residential streets. 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. The subdivider shall provide an additional intermediate turnaround on Street "AA" at Lot 39/40.
43. Street "AO" (from lot 13 & 14, of unit 8, easterly to lot 1, of unit 26, is classified as a modified two-lane collector with no fronting property. 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 on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. Parking shall be prohibited on both sides of the street.
- The remaining portion of Street "AO" is classified as a residential local street. The subdivider shall dedication a 56-foot 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.
44. Streets "CJ", "CK", "CL", "V", "W", and "VV" are classified as two-lane collector streets. The subdivider shall dedicate a 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, and five-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance,

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satisfactory to the City Engineer.

45. Street "CN" is classified as a two lane collector street with no fronting property within a 60 foot-right-of way transitioning to an 84 foot right-of -way at the intersection of Camino Ruiz and Camino Del Norte. Prior to the dedication or the acceptance of an I.O.D. for that portion of Street "CN" north of Camino Ruiz and Camino Del Norte, the City Engineer shall approve the final grade, alignment and classification.
46. The subdivider shall dedicate additional right-of-way and provide full-width improvements, as necessary, at intersections, per the approved traffic study, to allow for single/dual left turns, exclusive right turns, and bike lanes, satisfactory to the City Engineer.
47. The subdivider shall provide traffic signal systems, along with additional right-of-way and improvements, at intersections, where required by the approved traffic study, for right and dual-left turn lanes, satisfactory to the City Engineer, at the following locations:
 - a. Camino Ruiz & Carmel Valley Road
 - b. Camino Ruiz & Street "B"
 - c. Camino Ruiz & San Dieguito Road
 - d. Black Mountain Road & Carmel Valley Road

The subdivider shall provide an interconnected traffic signal system for Camino Ruiz between Carmel Valley Road and San Dieguito Road.

48. The following off-site conditions shall be the subdivider's responsibility and will supersede the phasing plan of the approved traffic study, dated June 26, 1995:
 - a. Construct a traffic signal at Carmel Valley Road/Rancho Santa Fe Farms Road and at Black Mountain Road/Maler Road.
 - b. Black Mountain Road at SR-56 westbound ramp -- Widen the westbound approach for dual left- and right-turn lanes; modify the traffic signal. The improvements shall require CalTrans approval.
 - c. Black Mountain Road at SR-56 eastbound ramp -- Widen the southbound approach for dual left-turn lanes; widen the northbound approach for the exclusive right-turn lane. The improvements shall require CalTrans

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approval.

- d. Black Mountain Road at Park Village Road -- Widen the southbound approach for the exclusive right-turn lane.
 - e. Rancho Peñasquitos Boulevard at SR-56 westbound ramp -- Widen the westbound off-ramp to provide a center left-/through-/right-turn lane. The improvement shall require CalTrans approval.
 - f. El Camino Real at San Dieguito Road -- Widen the westbound approach for the shared left-/right-turn lane.
 - g. Carmel Valley Road at I-5 southbound ramp -- Restripe the intersection for a westbound shared left-turn/through lane; modify the traffic signal for split phasing. The improvements shall require CalTrans approval.
49. Streets/driveways with less than a 36-foot curb-to-curb width shall have parking on one side of the street and the other side of the street shall be red curb. Parking shall be prohibited in streets/driveways with less than a 28-foot curb-to-curb width.
 50. The subdivider shall provide controlled access for the emergency-access points, and said access shall be constructed in a manner satisfactory to the Fire Department and the City Engineer.
 51. The subdivider shall enter into a bonded landscape-maintenance agreement, prior to the recordation of each Final Map, assuring maintenance of all landscaping, and appurtenances thereto, within the City right-of-way, until such time as a landscape maintenance district, property owners association or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.
 52. Rolled curbs shall not be allowed for public or private streets.
 53. The traffic circles will be permitted with the following conditions:
 - a. Traffic circles shall be located a minimum of a 150 feet from intersections and shall provide proper sight distance.
 - b. Traffic circles shall be designed to provide an adequate turning radius to the satisfaction of the Fire Dept and the City Engineer.
 - c. The subdivider shall enter into a separate bonded 10 year agreement to remove the traffic circles should such determination be made by the City

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Engineer. The ten year agreement shall commence from the recordation date of the Notice of Completion for the subdivision which contains the traffic circles.

54. The subdivider shall dedicate right-of-way, as necessary, and shall construct a turnaround at the end of existing El Vestido Street and Milbury Road, satisfactory to the Fire Department and the City Engineer.
55. The slope for the driveways may have a maximum fourteen percent (14%) grade, without transitions, or a maximum twenty percent (20%) grade, provided that transitions of a minimum of eight-foot (8') length at half ($\frac{1}{2}$) of the ramp slope are installed at both ends of the ramp.
56. The subdivider shall provide adequate sight distance at all intersections, satisfactory to the City Engineer.
57. The subdivider shall provide an intermediate turnaround at Street "AO"/emergency access easement to Street "J", satisfactory to the City Engineer.
58. The subdivider shall provide a minimum of 24 feet of pavement with a 30-foot graded driveway, with intermediate turnarounds, for the interim golf-access road, north of Camino Ruiz and Street "CM", satisfactory to the City Engineer.
59. Water Requirements:
 - a. The subdivider shall provide a water study, satisfactory to the Water Utilities Director, in accordance with the approved scope of work for the Miramar 712/North City 610 Pressure Zones by Pountney & Associates.
 - b. The subdivider may request that the City process a participation agreement to recover a portion of the subdivider's cost of the 712/610 water study, in accordance with City regulations and practices pertaining thereto.
 - c. The subdivider shall provide a water study, satisfactory to the Water Utilities Director. The study shall plan the pressure zone(s) necessary to serve this development, including pump stations and pressure regulating stations. A phasing plan shall be included.
 - d. The subdivider shall dedicate a suitable site for, and shall construct, the Black Mountain Reservoir (15 million gallons), satisfactory to the Water Utilities Director. The subdivider shall enter into a participation

agreement with the City of San Diego Water Utilities Department for the construction of the reservoir, in accordance with City regulations and practices pertaining thereto. Agreement for work shall be executed prior to recordation of the first final map.

- e. The subdivider shall provide individual predesign reports for each pump station, pressure regulating station, and reservoir, satisfactory to the Water Utilities Director.
- f. The subdivider shall install all facilities, as required by the approved water studies, plans, and reports, necessary to serve this development.
- g. 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.

60. Sewer Requirements:

- a. The subdivider 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.
- b. The subdivider shall locate sewers in public rights-of-way when possible.
- c. The subdivider shall provide individual predesign reports for each pump station and force main, satisfactory to the Water Utilities Director.
- d. The subdivider shall install all facilities, as required by the approved sewer study, plan, and reports necessary to serve this development, satisfactory to the City Engineer.
- e. The subdivider shall provide evidence to the Water Utilities Department indicating that approval has been obtained from the County Department of Health Services for the permanent septic system for Lot 1 of Unit 20 and the temporary septic systems for Lots 2 and 3 of Unit 28 and Lot 2 of Unit 1. The temporary systems shall be abandoned when permanent sewer facilities are constructed, satisfactory to the City Engineer and the Water Utilities Director.

61. Water and Sewer Requirements:

- a. The subdivider shall design all water and sewer facilities to the most current edition of the Water Utilities Department's *Water and Sewer Design Guide*. If facilities do not meet the current standards, then such facilities shall be private.
- b. The subdivider shall provide adequate easements for all public water and sewer facilities which are located outside of public rights-of-way. Vehicular-access easements shall be provided to all water and sewer appurtenances (manholes, blowoffs, air valves, cleanouts, gate and butterfly valves, etc.).
- c. The subdivider shall enter into operation and maintenance agreements with the City, satisfactory to the Water Utilities Director, for the water and sewer pump stations necessary to serve this development.
- d. The subdivider shall provide a reclaimed water study, satisfactory to the Water Utilities Director.
- e. The golf courses shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The subdivider 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.
- f. With the exception of lots served by private septic systems (as identified in condition 63e.), 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/or sewer mains that serve more than one lot.
- g. 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.

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- h. 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 vesting tentative map are constructed, operational, and accepted by the City of San Diego (including as-built drawings).
- 62. All desilting basins shall have access and be privately maintained, satisfactory to the City Engineer.
- 63. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is subject to approval by the City Engineer.
- 64. 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.
- 65. 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 acknowledgment 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.

- 66. Portions of this project are located in the floodplain of La Zanja Canyon Creek and Lusardi Creek, which are tributaries of the San Dieguito River, as delineated on Panels 50 and 25, respectively, of the 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 Council approval of the final map:

- a. The subdivider shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- b. 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 flood proofing of all structures to that same elevation.
- c. The subdivider shall grant flowage and drainage easements, satisfactory to the City Engineer.
- d. 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.
- e. The subdivider shall provide slope protection, as required by the City Engineer, where the velocity exceeds 5 FPS.
- 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 will be issued for grading in the floodplain of La Zanja Canyon Creek and Lusardi Creek until the subdivider applies for a Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMR 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.
- h. When as-built grading plans are available, the subdivider must submit a request for a map revision or map amendment, as applicable, to FEMA via the Floodplain Management Section. The subdivider 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 map revision or map amendment is issued by FEMA.
- j. Notes provided by the Floodplain Management Section concerning work in designated floodplains shall be included on all grading and improvement plans.

67. Lot No. 73 is designated as a public park and shall be acquired and improved in accordance within the terms and conditions of the Development Agreement.

68. The subdivider shall provide a paved transition from Carmel Valley Road to existing Black Mountain Road and from Street "Z" to existing Black Mountain Road.

69. Open Space Requirements:

- a. All lots granted/deeded to the City for open space shall be free and clear of all private encumbrances, private easements, private agreements, and any liens. Such lots shall be granted in fee simple at no cost to the City.
- b. Prior to acceptance of the dedication of any open space lot by the City, the owner shall hydroseed all areas of bare earth (devoid of plants) on the subject lot which are over 400 square feet, with a native plant seed mix acceptable to the Director of the Parks and Recreation Department.
- c. Any storm drain terminating in a City-owned open space lot shall be extended to the low point, to prevent hillside erosion, and shall be equipped with energy dissipators. Any such storm drain shall have a set-aside easement.
- d. City-owned open space lots disturbed by project grading are to be replanted with native plants, trees, and brush. Prior to replanting, invasive exotic plants shall be destroyed and removed consistent with the conditions and terms of the Development Agreement (for example: tumbleweed, pampas grass, wild artichoke, etc.).
- e. Direct access from private residential lots to City-owned open space lots is prohibited.
- f. All private lots with a negative open space easement for brush management shall be owned and maintained by the property owner's association (POA).
- g. Private lots that are to have their landscaping maintained by the landscape maintenance district must have landscaping easements.
- h. Unit 1:

Lot OS-1 is to be granted, in fee simple, at no cost, to the City.

i. Unit 2:

Lot POA-1 shall have for a building restricted easement and shall be owned and maintained by the POA.

j. Unit 3:

Lot POA-1 shall have for a building restricted easement and shall be owned and maintained by the POA.

k. Unit 4:

i. Lots POA-1, 2, 3, 4, 5, 6, 7, and 8 shall have a building restricted easement and shall be owned and maintained by the POA.

ii. Lot BM-1 shall have a building restricted easement and shall be owned and maintained by the POA.

l. Unit 5:

Lots POA-1 & 7 shall have a building restricted easement and shall be owned and maintained by the POA.

m. Unit 6:

i. Lot POA-1 shall have a building restricted easement and shall be owned and maintained by the POA.

ii. Lots POA-2 and 4 shall have a building restricted easement and shall be owned and maintained by the POA.

iii. Lot BM-1 shall have a building restricted easement and shall be owned and maintained by the POA.

n. Unit 7:

i. Lot POA-1 shall have a building restricted easement and shall be owned and maintained by the POA.

ii. Lot BM-1 shall have a building restricted easement and shall be owned and maintained by the POA.

o. Unit 8:

- i. Lot POA-1 shall have a building restricted easement and shall be owned and maintained by the POA.
- ii. Lot POA-2 shall have a building restricted easement and shall be owned and maintained by the POA.
- iii. Lot BM-1 shall have a building restricted easement and shall be owned and maintained by the POA.

- p. Units 9, 10 and 11:
No open space requirements as shown.

- q. Unit 12:
Lot POA-1 shall have building restricted easements and shall be owned and maintained by the POA.

- r. Unit 13:
Lots POA-3, 4 and 5 shall have building restricted easements and shall be owned and maintained by the POA.

- s. Unit 14:
Lots POA-1, 2, 3, 4, and 5 shall have building restricted easements and shall be owned and maintained by the POA.

- t. Unit 15:
Lots POA-1, 2, and 3 shall have building restricted easements.

- u. Unit 16:
Lots POA-1 and 2 shall have building restricted easements.

- v. Unit 17:
Lot POA-1 shall have a negative open space easement and shall be owned and maintained by the POA.

w. Unit 18:

- i. Lots OS-1 and OS-2 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lot BM-1 shall have a negative open space easement and shall be owned and maintained by the POA.
- iii. Interim golf course access lot (Lot 19), shall be maintained by the golf course owner and shall be granted/deeded to the City, at no cost, when the future Camino Ruiz is built.

x. Unit 19:

- i. Lot OS-1 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots BM-1, 2, and 3 shall have building restricted easements and shall be owned and maintained by the POA.
- iii. Lot POA-5 shall have a building restricted easement and shall be owned and maintained by the POA.

y. Unit 20:

- i. Lot OS-1 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots BM-1, 2, 3, 4, 5, 6, and 7 shall have a negative open space easement and shall be owned and maintained by the POA.

z. Unit 21:

- i. Lot OS-1 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lot POA-14 shall have a building restricted easement and shall be owned and maintained by the POA.
- iii. Lot BM-1 shall have negative open space easement and shall be owned and maintained by the POA.
- iv. Lot BM-2 shall have building restricted easement and shall be

owned and maintained by the POA.

aa. Unit 22:

- i. Lot POA-3 shall have a building restricted easement and shall be owned and maintained by the POA.
- ii. Brush management easement for Zone 1, measuring 40-feet wide is required for Lots 19 and 20 adjacent to Lot OS-1 within Unit 21.
- iii. Lot BM-1 shall have a negative open space easement and shall be owned and maintained by the POA.
- iv. Lots BM-2 and BM-3 shall have a building restricted easement and shall be owned and maintained by the POA.

bb. Unit 23:

- i. Lots POA-5 & 6 shall have a building restricted easement and shall be owned and maintained by the POA.

cc. Unit 24:

- i. Lot OS-1 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lot POA-1 shall have a building restricted easement and shall be owned and maintained by the POA.
- iii. Lots BM-1 and BM-2 shall have building restricted easements and shall be owned and maintained by the POA.

dd. Unit 25:

- i. Lot OS-1 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots POA-1, 2, 5 and 8 shall have building restricted easements and shall be owned and maintained by the POA.
- iii. Lots BM-1, 2, and 3 shall have building restricted easements and shall be owned and maintained by the POA.

ee. Unit 26:

- i. Lots OS-1, 2 and 3 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lot POA-4 shall have negative open space easement and shall be owned and maintained by the POA.
- iii. Lots BM-1 and 2 shall have a building restricted easement and shall be owned and maintained by the POA.

ff. Unit 27:

- i. Lots OS-1, 2, 3, 4, 5, 6, and 7 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lot POA-1 shall have a building restricted easement and shall be owned and maintained by the POA.
- iii. Lots BM 1 through 16 shall have negative open space easements for brush management and shall be owned and maintained by the POA.

gg. Unit 28:

- i. Lots OS-1, 2, 3 and 4 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots POA- 9 and 10 shall have building restricted easement and shall be owned and maintained by the POA.
- iii. Lots BM 1 and BM 2 shall have a negative open space easement and shall be owned and maintained by the POA.

hh. Unit 29:

- i. Lots OS-1, 2 and 3 shall be granted/deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots BM-1, 2, 3 and 4 shall have negative open space easements for brush management and shall be owned and maintained by the POA.

70. The following lots/easements shall have a Brush Management Zone One as shown on the Brush Management Plan, Exhibit "A", satisfactory to the Development and Environmental Planning Division of the Development Services Department.

Unit 4; lots 11-25
Unit 6; lots 16,17,18, & 20-28
Unit 7; lots 17,18, & 19
Unit 8; lots 14-25
Unit 18; lots 1-3, & 5-17
Unit 19; lots 1-7
Unit 20; lots 1-23
Unit 21; lots 12-17, 22, 23, 29-31 and 33-56
Unit 22; lots 1-13 & 16-20
Unit 23; lots 1,2 & 9
Unit 24; lots POA 2, 4-9, 16-27, 47-49, 59-68, & 76-79
Unit 25; lots 8-10, 20-23, 26-39, 47-53, 67 & 68
Unit 26; lots 17-24, 26-31, 37-44, 54,55,56, & 58-62
Unit 27; lots 1-9, 16-26, POA 1, 41,42 & 73

71. This subdivision is in an area designated in the General Plan as Future Urbanizing. As such, special financing plans will be established to finance the public facilities required for the community plan area.

The subdivider shall be subject to any special financing plans, as more fully described in the "Development Agreement between the City of San Diego, Black Mountain Ranch Limited Partnership, and the PGA Tour."

72. 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.

73. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 95-0173, satisfactory to the Development Services Director and the City Engineer, which is included herein by this reference and is as follows:

- a. Prior to the issuance of a "clearing" permit as described in section 5.8 of the Development Agreement, adopted by City Council as Ordinance Number (O-), the conditions set forth in Exhibit 'G' of the Development Agreement shall be satisfied consistent with the mitigation requirements set forth in EIR No. 95-0173. If a "clearing" permit is issued, then the conditions outlined in Exhibit 'G' shall not carry over to

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the issuance of a grading permit provided however that the conditions have been fully implemented to the satisfaction of the Development Services Director.

- b. Prior to recordation of the first final map the Applicant/Owner shall make an Irrevocable Offer of Dedication (IOD) for the open space lots contained within said unit of the final map as identified within the Vesting Tentative Map and the Planned Residential Development Site Plan. The IOD shall be to the satisfaction of the Park and Recreation Director and the Development Services Director in accordance with Exhibit "A," dated October 31, 1995 and on file in the Development Services Department. Approximately 1,760 acres of permanent open space as shown on the vesting tentative map shall be offered for dedication to the City or shall be placed within an open space easement resulting in the conservation of 588 acres of Diegan coastal sage scrub, 139 acres of mixed sage scrub/non-native grassland, 41.6 acres of southern mixed chaparral, 31.8 acres of southern willow scrub, 3.1 acres of freshwater marsh, 10.3 acres of mule fat scrub, 8.6 acres of native grassland, 41.8 acres of southern mixed chaparral, and 27.4 acres of chamise chaparral. Planting of ornamental landscaping, off-road-vehicle activity, grading, brushing, or placement of structures, except for hiking or equestrian trails, bike paths, interpretive signing, or other improvements as shown on the vesting tentative map or as designated by the Director of the Parks and Recreation Department or the San Dieguito River Park, shall be precluded from these open space areas.
- c. Prior to issuance of a grading permit or recordation of the first final map, a detailed management plan for sensitive plant populations preserved in open space, including the endangered San Diego thornmint, shall be prepared to the satisfaction of the Director of the Parks and Recreation Department, the Development Services Director and the California Department of Fish and Game Endangered Plant Program.
- d. Prior to the issuance of a grading permit or recordation of the first final map, the Applicant/Owner shall provide assurance for the construction of hiking and equestrian trails within the open space area for the San Dieguito River Plan to the satisfaction of the Park and Recreation Director and the Development Services Director. Trail design and specifications shall be prepared to the satisfaction of the Park and Recreation Director and the Development Services Director for the construction of said trails. Said trails shall be consistent with the Trail Plan identified as Figures 4 and 10 in the Black Mountain Ranch Design Review Guidelines, dated October 31, 1995 on file in the office of the Development Services

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Department.

- e. Prior to recordation of Final Map the Applicant/Owner shall assure to the satisfaction of the City Engineer all mitigation measures for street segments and intersections as described in Chapter 4(B), Table 10 and Figure 25 of EIR No. 95-0173, on file in the office of the Development Services Department and Development Agreement No. 95-0173, adopted by City Council as Ordinance No.(O-) and in accordance with the Transportation Phasing Plan.
- f. Design studies and environmental review, including detailed mitigation requirements, shall be completed prior to the construction of Camino Ruiz south of Carmel Valley Road to the satisfaction of the City Engineer and Development Services Director if Camino Ruiz Alternative (B) as described in the Development Agreement No. 95-0173, adopted by City Council as Ordinance No.(O-) is selected by the City Engineer.
- g. Prior to issuance of a grading permit or recordation of the first final map, a detailed final revegetation program for 12.6 acres of riparian wetland habitat and up to 12 acres of coastal sage scrub habitat, specifying planting, soil preparation, irrigation requirements, success criteria, and a minimum five-year monitoring and reporting period shall be prepared by a qualified biologist and landscape architect consistent with the EIR and draft revegetation program and shall be approved the Development Services Director and Park and Recreation Director in consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The area of coastal sage scrub revegetation may be reduced to no less that one acre of revegetation of every acre lost as a result of the reclaimed water reservoir if the habitat is reestablished prior to inundation otherwise a ratio of two acres of revegetation of every one acre lost is required.
- h. Prior to issuance of a grading permit or recordation of the first final map, impacts to two disturbed vernal pools located off-site within the construction corridor for Carmel Valley Road shall be mitigated by the acquisition and conservation of existing, unprotected vernal pool habitat at a surface ratio of one to one (525 sq. ft.). The location of the mitigation area shall be determined in consultation with the U.S. Army Corps of Engineers and California Department of Fish and Game, as part of the Section 404 and streambed alteration permits required for the activity.
- i. The vesting tentative map shall specify that grading shall not occur beyond the limits of an approved grading envelope. Grading plans shall

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indicate all natural open space areas as off-limits to equipment or other disturbance. The grading plans shall require that a preconstruction meeting be held to describe to all construction personnel the required avoidance techniques and areas to be avoided and that prior to any work, the construction supervisor and the biologist together shall mark the grading limits to ensure against impacts to open space and occupied habitat areas. The grading plans shall also specify that a biologist be on-site to monitor grading activity adjacent to biologically sensitive lands. Cut and fill slopes adjacent to natural open space shall be revegetated to reestablish native habitat types. The requirements for revegetation shall be shown on the vesting tentative map and grading plans.

- j. The vesting tentative map and grading plans shall specify that no grading activities or clearing activities shall be allowed within 200 feet of a nest or burrow being actively used by coastal California gnatcatcher, burrowing owl or other sensitive raptor, southern California rufous-crowned sparrow, Bell's sage sparrow, loggerhead shrike, California horned lark, grasshopper sparrow, San Diego black-tailed jackrabbit, or gray fox during its breeding season unless it can be demonstrated to the satisfaction of the Development Services Director that such activities would not adversely impact the breeding success of these species. Additionally, a burrow known to have been used by burrowing owl, San Diego black-tailed jack rabbit, or fox shall not be destroyed unless a qualified biologist confirms that the owl, jackrabbit or fox is not in the burrow at the time the impact occurs. These requirements shall be discussed at the preconstruction meeting and these sensitive areas shall be adequately marked or fenced to ensure protection.
- k. Adequate riparian buffer zones, consistent with the EIR, shall be established and shown on the vesting tentative map, final map and grading plans.
- l. Prior to issuance of a grading permit for the project, the applicant shall obtain a Clean Water Act Section 404 permit and agreement under Section 1600 of the Fish and Game Code and shall demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies.
- m. Prior to the construction of hiking or equestrian trails or bike paths not constructed within road rights-of-way, a qualified biologist shall walk the proposed trail alignments and delineate an acceptable route that avoids or minimizes encroachments into sensitive habitats and avoids impacts to sensitive plant species. The biologist shall delineate the trail route on

maps and submit them with recommendations for construction methods and areas that should be avoided to the Director of Parks and Recreation.

- n. The design and location of drainage improvements consistent with the EIR shall be indicated on the vesting tentative map, and shall be reviewed and approved by the City Engineer and the Development Services Director prior to the recordation of the first final map.
- o. Specific measures to reduce levels of erosion, sedimentation, and runoff during construction activities shall be implemented consistent with the EIR and shall be shown on the vesting tentative map and grading plans.
- p. Specific measures to reduce erosion, sedimentation, and runoff in the long-term, including nine detention/desilting basins, shall be implemented consistent with the EIR and vesting tentative map and shall include Best Management Practices to the satisfaction of the City Engineer prior to the issuance of building permits.
- q. Mitigation measures described in the EIR for landform alteration, including special design requirements for graded slopes, erosion control and hydroseeding shall be identified on the grading plans to the satisfaction of the Development Services Director. A note shall be included on the grading plans indicating that the approved grading techniques are environmental mitigation requirements. Manufactured slopes shall be landscaped in conformance with the conceptual landscape plan. Residential lots within the viewshed of the open space park area of La Jolla Valley shall be identified on the vesting tentative map and additional restrictions shall be required as part of the overall grading plan consistent with the EIR to the satisfaction of the Development Services Director.
- r. Prior to issuance of a grading permit for the reclaimed water reservoir, the Applicant/Owner shall obtain necessary approvals from the California Division of Dam Safety and an implementation and maintenance plan to control mosquito populations shall be approved by the Regional Water Quality Control Board prior to release of reclaimed water to the reservoir.
- s. Archaeological sites SDI-5094, SDI-6673 and SDI-11981 shall be dedicated as open space and a detailed preservation plan consistent with the requirements of the EIR shall be prepared by a qualified archaeologist and shall be approved by the Development Services Director and Director of Parks and Recreation prior to recordation of the first final map and issuance of a grading permit.

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- t. A research design and phased data recovery program for archaeological site SDI-4832/4833 shall be prepared by a qualified archaeologist consistent with the requirements of the EIR and shall be approved by the Development Services Director. The data recovery program shall be implemented to the satisfaction of the Development Services Director prior to recordation of the first final map and issuance of a grading permit. Mitigation for impacts to archaeological sites SDI-5103, SDI-11,982 and SDI-11,983 shall be required for future road improvements consistent with the EIR.
- u. Mitigation measures described in the EIR to reduce geologic/soil and erosion impacts shall be shown on the vesting tentative map and grading plans prior to recordation of the first final map and the specific measures shall be implemented to the satisfaction of the City Engineer.
- v. A paleontological salvage program consistent with the requirements of the EIR, including monitoring during original cutting of the Delmar Formation, Friars Formation and Mission Valley Formation, salvaging of fossil remains, and preparation of the collected specimens, shall be shown as notes on the grading plans and shall be implemented to the satisfaction of the Development Services Director.
- w. Prior to recordation of the first final map, an acoustical study shall be required to determine appropriate noise barriers (consisting of a combination berm and variable height wall), locations, heights and materials for off-site impacts to existing residences along Carmel Valley Road and at 9010 Emden Road. The noise barriers shall be included in the future improvement plans for Carmel Valley Road as a two lane roadway and shall be constructed to the satisfaction of the City Engineer in substantial conformance with the vesting tentative map.
- x. Prior to recordation of the first final map for the project, a financing plan approved by the Poway Unified School District consistent with the EIR and Development Agreement shall be implemented to the satisfaction of the City Engineer.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

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- 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 vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON October 31, 1995,
BY A VOTE OF 8 - 0.

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