

(R-96-793)

RESOLUTION NO. R-288198

ADOPTED ON DECEMBER 10, 1996

WHEREAS, WESTSHAW ASSOCIATES, APPLICANT, and LATITUDE 33, ENGINEER, filed an application with the City Engineer for a 153-lot Vesting Tentative Map on a vacant 377.87 acre site, located south of SR-56 and east of Carmel Country Road, and legally described as portions of Section 21, T14S., R3W., S.B.M and Parcel A as described in Certificate of Compliance recorded August 15, 1996 as document 1996-0416821 O.R in the Office of the County Recorder of San Diego County, in the Hillside Review Overlay and A-1-10/OS Zones; and

WHEREAS, on December 10, 1996, the City Council of the City of San Diego considered Vesting Tentative Map No. 89-1296, Bougainvillea, pursuant to Section 102.0307 of the Municipal Code of the City of San Diego, and received for its consideration written and oral presentations, and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego adopts the following findings with respect to Vesting Tentative Map No. 89-1296:

1. The map proposes the subdivision of a vacant 377.87-acre site into 153 lots for Residential, Recreational and Resort Hotel development. This type of development is consistent with the General Plan and the Future Urbanizing Area - Subarea V, Del Mar Mesa Specific Plan, which designates the area for Residential, Recreational and Resort Hotel 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 Hillside Review Overlay and A-1-10/OS Zones/Del Mar Mesa Specific Plan in that:
  - a. All lots will have access to a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Residential Development (PRD).
  - b. All lots meet the minimum dimension requirements of the Del Mar Mesa Specific Plan and the A-1-10-/OS Zones, as allowed under a PRD.
  - c. All lots are designed so that required improvements do not result in nonconforming lots as allowed under a PRD.
  - d. Development of the site is controlled by Planned Residential Development/Resource Protection Ordinance/Conditional Use Permit No. 89-1296.
3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating or cooling opportunities.
4. The site is physically suitable for residential and resort 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 specific plan, which provides for residential, recreational and resort/hotel uses.
6. The design of the subdivision or the proposed improvements are likely to cause substantial cumulative environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Environmental Impact Report No. 89-1296, which is included herein by this reference. However, a finding has been made pursuant to Section 21081 of the Public Resources Code that specific economic, social, or

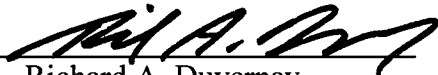
other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report and a Statement of Overriding Considerations has been adopted.

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

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 89-1296 (Bougainvillea), is hereby granted, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay  
Deputy City Attorney

RAD:ps  
01/29/97  
Or.Dept.:Clerk  
R-97-793

## CONDITIONS FOR VESTING TENTATIVE MAP NO. 89-1296

1. This tentative map will expire on December 10, 1999.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. The final map shall conform at all times to the provisions of Planned Residential Development/ Conditional Use/Resource Protection Ordinance Permit No. 89-1296.
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.
  - 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. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in the Environmental Impact Report No. 89-1296, in a manner satisfactory to the Manager of Development Services and the City Engineer. The following conditions include mitigation measures, to be implemented by the applicant prior to the issuance of building and/or grading permits, as required per certification of the subdivision's Environmental Impact Report (EIR 89-1296) by the City Council on December 10, 1996.

These mitigation measures (which also include conditions 32a, 32c, 32d, 33a, 34 and 35 of this Vesting Tentative Map Resolution) have been designed to minimize, to the extent feasible, on- and off-site project related impacts upon biologically sensitive resources, hydrology, water quality, landform alteration, visual quality, cultural resources, geology and soils, paleontological resources and public safety:

### **BIOLOGICAL RESOURCES**

#### On-Site Mitigation

- a. Concurrent with recordation of the final map, the subdivider shall dedicate in perpetuity an open space/conservation easement which incorporates all on-site preservation and revegetation areas. The easement shall be assured prior to issuance of any grading permits via recordation of the project's VTM Resolution and PRD/CUP/RPO Permit with the County Recorder.
- b. Clearing and/or grading of any coastal sage scrub on the project site shall be phased to avoid any direct impacts to California gnatcatcher during the breeding season (February 15 - August 15) to the maximum extent practicable. If due to unavoidable constraints clearing and/or grading must be done during the breeding season, a survey for the California gnatcatchers shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service for gnatcatcher surveys. If gnatcatchers are observed, a biological monitor shall be on-site prior to and during the clearing and grading phases to survey for gnatcatcher nests and to recommend potential measures that could be incorporated to avoid direct impacts to gnatcatchers. All measures identified by the biological monitor shall be reviewed by the Development Services, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, and implemented upon approval by the Manager of Development Services.
- c. The subdivider shall prepare and implement a landscape/biological mitigation plan. The areas of on-site preservation/revegetation shall be as shown in Figure 4C-4 in the EIR. The plan shall contain the following elements:
  1. A revegetation specialist with local experience in with local experience in native species and approved by the Manager of Development Services shall be selected by the project applicant for implementing the labor portions of the revegetation/restoration plan. The revegetation specialist shall educate all contractors with regard to mitigation goals and requirements. This instruction shall be initiated at a pre-construction meeting. After each monitoring event, the revegetation specialist shall

provide the project applicant and installation contractors with a written list of items in need of attention.

2. An installation contractor shall be responsible for completion of grading, soil preparation, pre-planting weed control, planting and seeding. Once the revegetation specialist has verified completion of the landscape installation, a 180-day establishment period shall begin. At the end of this period, the revegetation specialist shall certify completion of the installation contract, provided all installation and maintenance tasks have been finished. These items include, but are not limited to, weed control, dead plant replacement and reseeded. All persons involved in installation of the revegetation effort shall be trained in native plant species identification, and the planting and care of native plants.
3. After completion of the installation contract, a maintenance contractor shall be hired by the subdivider for the duration of the five-year monitoring period. The maintenance contractor shall service the entire revegetation area at least once a month. The maintenance contractor shall meet with the revegetation specialist at the site, when requested, and shall perform all checklist items in a timely manner. All persons involved in maintenance of the revegetation effort shall be trained in native plant species identification, and the planting and care of native plants.
4. Cover by native vegetation should increase over time and ultimately approach that of the existing habitats on-site (near 100 percent). Cover is often slow at first as the roots become established, but with sufficient rainfall it should increase with time. Cover shall be measured and evaluated separately for shrub and herbaceous life forms.
5. Impacts to Del Mar sand aster shall be mitigated through collection, proper handling and spread of seed from the populations to be impacted on-site. The collected seeds shall be spread in appropriate revegetated habitat within the biological open space on-site. A sufficient quantity of seeds to ensure establishment of a minimum of 330 specimens of Del Mar sand aster shall be collected.
6. Impacts to Nuttall's scrub oak shall be mitigated by on-site preservation of 50% of the species and planting of one gallon specimens from a qualified nursery specializing in native plants. A sufficient number of individual plants shall be collected and planted to ensure the establishment of at least 77 specimens in appropriate revegetated habitat within the biological open space on-site.
7. Seeds and rooted cuttings to be used in on-site revegetation programs shall be collected from natural areas to be impacted.
8. Topsoil from areas that currently support Diegan coastal sage scrub, and are being impacted shall be collected and reused. This soil contains a viable and valuable seed bank as well as site-specific soil microbes. The

revegetation specialist shall flag the collection areas to avoid collecting weed infested soil.

9. Habitat outside of the construction zone shall be staked or otherwise clearly marked. The general contractor shall bear the burden of mitigation for incidental impacts caused by failure to comply with the limits of the construction zone.
10. Specific staging areas shall be established in disturbed areas. All activities except for those directly related to the revegetation installation shall be restricted to the staging areas and any existing access roads.
11. Revegetated areas within and surrounding the golf course should, at a minimum, be protected with signs stating that habitat revegetation is in process and no entry is allowed. If deemed necessary, protective fencing (such as split rail fencing) may be appropriate.
12. All specifications of the Biological Mitigation Plan for Bougainvillea related to the quality, quantity, type and size of specific plant materials; contract growing/plant sources; substitutions; plant inspections; soils and soils preparation; reuse of topsoil; field plant layout and spacing of container plants; protection measures; planting methods and timing; maintenance and monitoring shall be adhered to.
13. Prior to the Issuance of the Final Map, EAS and project landscape planner shall review the detailed landscape and irrigation plans and shall ensure that the above mitigation measures are clearly shown on the landscape/mitigation plan.
14. The U.S. Fish and Wildlife Service, the California Department of Fish and Game and Development Services shall be apprised in writing of the on-going work by the CSS restoration specialist. This shall include notification of the time and location of on-site seed collection and soil solarization and receipt of copies of the progress reports.
15. The long-term maintenance of the vegetation shall be conducted by a specialist hired by the applicant. The EAS analyst and/or landscape planner shall also conduct periodic site inspections.
16. Performance standards and a contingency plan shall be added to the final restoration plan. Maintenance of the biological mitigation shall be ensured by the applicant through the posting of a performance bond or other surety with the City. The amount of the surety shall be equal to the cost of the monitoring and maintenance effort (which would include replacement costs), plus an additional 10 percent per year of maintenance to account for inflation. Release of the surety is dependent on achievement of the goals of the revegetation/enhancement effort, as confirmed by the revegetation specialist in writing and/or the EAS analyst. A complete mitigation monitoring report shall be submitted to Development Services once every



quarter, following completion of installation of the vegetation, for the first year and annually each year thereafter until the mitigation obligation has been satisfied. At successful completion of the mitigation requirements, a "Notice of Completion," subject to prior review and approval by the wildlife agencies, will be issued by the City of San Diego. The project shall not be considered complete until the "Notice of Completion" has been issued.

17. The revegetation/restoration plan may consider the following recommendation:

When feasible, it may be appropriate to consider controlled burns of all of the southern maritime chaparral considered for open space prior to development of areas adjacent to this fire dependent habitat. A controlled burn would reduce the fire hazard temporarily, rejuvenate the soil with nutrients, delay the vegetation from becoming senescent (woody and flammable from old age) and other benefits. The controlled burn program must be approved by the City Fire Department, the Manager of Development Services, the U.S. Fish and Wildlife Service and California Department of Fish and Game.

#### Lighting

- d. As conditions of the Conditional Use/Resource Protection Ordinance/ and Planned Residential Development Permits, potentially significant lighting impacts shall be mitigated by using sodium lighting, and selectively placing, directing and shielding illumination away from conserved areas. Additionally, night play shall not be allowed on the golf course at any time and tennis courts and lighting from homes shall be screened with vegetation to prevent illumination of habitat areas, and large spotlight-type lighting that may affect conserved habitat shall be prohibited. The EAS shall ensure that mitigation measures are clearly shown on building plans.

#### Pest Control and Fertilization

- e. As conditions of the Conditional Use/Resource Protection and Planned Residential Development Permits, and in accordance with the Conceptual Mitigation Plan for Bougainvillea, solarization techniques shall be used to prepare soils for habitat revegetation and restoration. This involves the use of UV-resistant plastic sheeting and sunlight to kill weeds, weed seeds and pathogens in the top 2-6 inches of the soil. Weeds shall be removed by hand methods. The EAS shall ensure that the mitigation measures are clearly shown on the landscape/conceptual mitigation plan.

#### Construction Staging and Grading

- f. Construction staging areas shall be located at least 100 feet from existing residences and coastal California gnatcatcher sites.

- g. Clearing and/or grading of any area adjacent to coastal sage scrub on the project site shall be phased to avoid any indirect impacts to California gnatcatcher during the breeding season (February 15 - August 15) to the maximum extent practicable. If due to unavoidable constraints clearing and/or grading must be done during the breeding season, a survey for the California gnatcatchers shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service for gnatcatcher surveys. If gnatcatcher nests are observed in adjacent coastal sage scrub, a biological monitor shall be on-site prior to and during the clearing and grading phases to survey for gnatcatcher nests and to recommend potential measures that could be incorporated to avoid indirect impacts to gnatcatchers. All measures identified by the biological monitor shall be reviewed by the Development Services Department, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, and implemented upon approval by the Manager of Development Services.

#### Off-site Mitigation

- h. The applicant shall ensure the permanent preservation of off-site biological resources as mitigation for impacts to coastal sage scrub habitat (including coyote bush scrub) (CSS). This will be accomplished by providing to the City, prior to issuance of a grading permit or subdivision improvement agreement, and as a condition of the issuance of the Interim Habitat Loss Permit (IHL) and the Vesting Tentative Map (VTM), a bond, letter of credit or CD, in sufficient amount (approximately \$1,500,000) to secure mitigation for 51.47 acres of CSS. If, within eight months from issuance of the grading permit, the applicant is unable to acquire and dedicate to the City a mitigation parcel which meets the approval of the Manager of Development Services, the USFWS, and the CDFG, the City shall have the ability to call upon the security and utilize the funds to acquire the necessary off-site mitigation.
- i. The applicant shall ensure the permanent preservation of off-site biological resources as mitigation for impacts to southern maritime chaparral (SMC). This will be accomplished by providing to the City, prior to issuance of a grading permit or subdivision improvement agreement, and as a condition of the issuance of the VTM, a bond, letter of credit or CD, in sufficient amount (approximately \$450,000) to secure mitigation for 15.22 acres of SMC. If, within eight months from issuance of the grading permit, the applicant is unable to acquire and dedicate to the City a mitigation parcel which meets the approval of the Manager of Development Services, the City shall have the ability to call upon the security and utilize the funds to acquire the necessary off-site mitigation.

### **HYDROLOGY/WATER QUALITY**

#### Erosion and Flooding

- a. Mitigation measures identified by the Master Drainage Plan, shall be incorporated into the project design to mitigate the potential for increased flooding. The Grading Permit shall include the following notes:

1. No permanent structures in the floodplain.
  2. Surface drainage designed to collect and move runoff into natural stream channels or drainage structures adequately sized for a 100-year storm.
  3. All project related drainage facilities designed to accommodate runoff associated with 100-year flood.
  4. Surface and subsurface drainage designed to preclude ponding outside of designated areas.
  5. Runoff diversion facilities used where appropriate to preclude runoff flow down graded slopes.
  6. Energy dissipating structures used at storm drain outlets, drainage crossings, and /or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.
  7. Permeable material to be used wherever feasible to increase infiltration and decrease surface runoff.
- b. Flood control devices as approved by the City Engineer shall be incorporated into the project.
  - c. The subdivider shall be responsible for the maintenance of the devices such that they perform as originally designed.
  - d. The EAS shall review the plans to ensure that the notes have been provided.

#### Downstream Water Quality

- a. The extent of the area exposed at one time and the duration of exposure shall be minimized. This can be accomplished by preserving native vegetation whenever feasible for immediate replacement by landscaping and hydroseeding on disturbed areas within 30 days after completion of each phase of grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
- b. Areas of native vegetation or adjoining slopes shall be avoided during grading activities as delineated in the grading plan to minimize disturbance to existing vegetation slopes.
- c. Porous pavement such as lattice pavers or porous asphalt, suitable for use for large surfaced areas not subject to heavy traffic shall be employed wherever possible instead of impervious materials.
- d. Vegetative controls such as plant materials that intercept rainfall, and pollutant filters to absorb nutrients shall be employed wherever possible.

- e. Temporary erosion control measures shall be implemented during construction. These shall include planting on fill, disturbed, and manufactured slopes within 30 days; grading to facilitate drainage away from slope faces; use of hay bales and swales at the top of slopes; and construction of desilting basins. All manufactured slopes shall be revegetated and landscaped within 30 days of grading and irrigated by means of a temporary system (not to exceed two years) to ensure adequate plant establishment and slope stability, reduce erosion and enhance visual appearance.
- f. A maintenance and follow-up program shall be implemented. Considerations shall include disposal locations for sediment that is removed from control structures, wet-weather emergency plans, 24-hour phone contact of the person responsible for maintenance and the designation of methods and responsibility for removal of temporary control structures.
- g. If quantities of hazardous or toxic materials shall be used during construction, the Hazardous Materials Business Plan (HMBP) administered by the Hazardous Materials Management Division of the County of San Diego Environmental Health Services Department shall be followed.

## **LANDFORM ALTERATION/VISUAL QUALITY**

### **Visual Quality**

#### **Grading**

- a. Prior to the issuance of a grading permit, Development Services shall review the submitted map to ensure that sensitive grading techniques such as daylighting, contouring, blending and varying slope ratios are shown on the grading plans.

#### **Landscaping**

#### **Landform Alteration**

- a. Prior to issuance of a grading permit, EAS shall verify that the following are shown on the grading plans:
  - 1. Daylight grading shall be performed along canyon rims to minimize fills on canyon slopes.
  - 2. Manufactured slope gradients shall be employed varying from 2:1 to 4:1 entailing contouring, rounding and blending to maintain a natural appearance, especially adjacent to open space and sensitive resource areas and to those areas with high neighborhood and community visibility.
  - 3. Minimizing the height of manufactured slopes to the extent possible.
  - 4. Sensitive grading techniques shall be used adjacent to open space and sensitive resource areas to preclude encroachment.

## **CULTURAL RESOURCES**

- a. Prior to issuance of a grading permit, the subdivider shall provide verification that a qualified archaeologist and/or archaeological monitor has been retained to implement the archaeological monitoring program as specified in the Mitigation/Monitoring and Reporting Program.

## **GEOLOGY AND SOILS**

### Unstable Conditions

- a. Prior to the approval of final map(s) for the property, a detailed soil and geologic investigation which addresses the proposed plan and adheres to the City of San Diego Technical Guidelines for Geotechnical Reports shall be performed. The investigation shall be reviewed and approved by the City's Geologist.
- b. Remedial grading in the form of removal and recompaction shall be required in areas with loose, compressible surface, and or expansive deposits of topsoils, alluvium, and colluvium soils as recommended by geotechnical reports prepared for the project.
- c. Installation of fill subdrains may be required to reduce the potential for future groundwater buildup, especially where in-filling of canyons or ravines might be planned.
- d. Development Services shall ensure compliance with the above measures by directing a construction monitoring program to be conducted by a qualified geotechnical engineer. The Environmental Analysis Section (EAS) shall review the plans to ensure that the notes have been provided.

### Erosion

- a. Temporary erosion control measures shall be implemented during construction. These shall include planting on fill, disturbed, and manufactured slopes within 30 days; grading to facilitate drainage away from slope faces; use of hay bales and swales at the top of slopes; and construction of desilting basins. All manufactured slopes shall be revegetated and landscaped within 30 days of grading and irrigated by means of a temporary system (not to exceed two years) to ensure adequate plant establishment and slope stability, reduce erosion and enhance visual appearance.
- b. Drought-tolerant, slope-stabilizing vegetation and an irrigation system as specified in the landscape concept and brush management plan shall be installed on all fill, disturbed and manufactured slopes as permanent erosion control measures. Temporary desilting basins shall be installed.
- c. Prior to the issuance of a grading permit, a geotechnical soils report or a site specific soil erosion and sedimentation control plan shall be approved by the City

Engineer. This report shall define additional site specific soil erosion control measures.

- d. Recommendations of the plan shall be incorporated the grading plans to the satisfaction of the City Engineer. The EAS shall review the grading permit to ensure that the notes have been provided.

### **PALEONTOLOGICAL RESOURCES**

- a. Prior to recordation of the first Final Map, and/or issuance of grading permits, the applicant shall conduct paleontological monitoring as described in the MMRP. The applicant shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Development Services Manager.

### **SAFETY**

#### Hazardous Materials

- a. An updated environmental assessment shall be conducted for the area addressed by the 1988 report prior to the approval of the final map(s). The assessment shall be prepared by a qualified professional to determine if hazardous soils are currently present on the site. If hazardous soils are found, a remediation plan shall be prepared and approved by the County Department of Environmental Health for the project. The recommendations of the remediation plan shall be implemented as a condition of project approval.

#### Design and Operation of Golf Course

- b. BMPs shall be incorporated into the design and operation of the golf course consistent with State Water Resources Board (SWRB) requirements. A description of some of the practices which shall be considered include the following:
  1. Filter Strips. Filter strips shall be used to enhance pollutant removal from the site. Filter strips are planted with erosion-resistant grasses or plant species and are designed to spread flows from the site into a wide area where overland sheet flow conditions could occur. Vegetation within the strip slows the flow, causing heavier particulates to fall out of suspension, and also acts as a biological filter when direct absorption of dissolved pollutants occurs. The use of vegetation to reduce flow velocities also allows for enhanced soil infiltration to take place.

The soil also acts as a filter; dissolved pollutants are absorbed onto the soil particles. This is an effective method for removal of dissolved heavy metals and phosphorus from fertilizers. Biological activity in the soil can also metabolize toxic organic contaminants from pesticides. The proposed

golf course would function in this manner to reduce impacts to the adjacent stream.

2. Source Control. An integral part of achieving adequate pollutant removal from collected storm water is the implementation of source control practices that reduce the amount of contaminants of the ground surface that can come in direct contact with surface flows. These practices include the following measures that shall be incorporated into the golf course management plan:
  - c. Require outdoor chemical and contaminant storage facilities to be covered, as specified in the Business Plan for the handling and disposal of toxic and hazardous materials approved by the County Department of Environmental Health, Hazardous Materials Management Division (HMMD).
  - d. Require proper use and disposal of materials including fertilizers, pesticides, and herbicides, and including appropriate methods, rates, and frequency of application of these chemicals, as specified in the Business Plan for the handling and disposal of toxic and hazardous materials approved by HMMD.
  - e. Require alternative methods for controlling weeds and insects including physical, biological and non- or low-toxicity methods including non-toxic methods of weed control such as hand pulling and soil solarization techniques.
  - f. Recycle chemicals to the extent possible, and dispose of materials in a safe and proper manner, according to the rules and regulations of the City Fire Department, Environmental Services Department and County HMMD. These BMPs shall be designed and implemented in compliance with State Water Resources Board (SWRB) requirements.
10. 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.
11. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
12. 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.
13. The subdivider must provide a geologic reconnaissance 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.

14. 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.
15. The project shall be consistent with the approved traffic study, transportation plan, and facilities financing plan adopted by the City Council for the Del Mar Mesa Specific Plan.
16. This subdivision shall comply with the approved Traffic Study for Subarea V (North City Future Urbanizing Area).
17. The landscape and brush management shall be in accordance with the Landscape Technical Manual.
18. Vehicular access to the dwelling units shall be by means of a privately maintained, unnamed, non-dedicated, private driveways constructed in a manner satisfactory to the City Engineer.
19. Streets/driveways with less than a 34 foot curb to curb width shall have parking on one side only. Parking shall be prohibited in streets/driveways with less than a 28 foot curb to curb width.
20. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until a landscape maintenance district, property owner's association or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer. The subdivider shall obtain an Encroachment Removal Agreement for all landscape, and appurtenances thereto, within the City right-of-way.
21. The subdivider shall provide mutual access easements satisfactory to the City Engineer.
22. The subdivider shall provide cull-de-sac curb radius on private drives, satisfactory to the Fire Department.
23. The subdivider shall provide adequate sight distance at the easterly driveway of lot 148 at Shaw Ridge Road.
24. Carmel Country Road is classified as a four lane major street. The subdivider shall dedicate 98 foot-wide right-of-way with additional right-of-way for turn pockets, from the existing Carmel Country Road, to the projects access to include the northbound to southbound U-turn pocket. The subdivider shall provide a minimum of 64 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 14 foot raised median, satisfactory to the City Engineer.
25. The subdivider shall construct a traffic signal at the intersection of Carmel Country Road and the project's access point.
26. For the intersection of Carmel Country Road and the project's access: The subdivider shall construct a southbound to eastbound left-turn pocket, at a minimum of 200' with a



90' transition. The subdivider shall construct a northbound to southbound U-turn pocket with a length of 250' with a transition of 120'. The subdivider shall grant an easement on the private access drive for signal loop detectors.

27. The subdivider shall provide the City with an IOD for Shaw Ridge Road, full width, within the subdivision, based on the final approved street cross-section and classification, as determined by the City Engineer. No access shall be provided to the subdivision until the road is constructed.

Commercial delivery\service vehicles and customers/patrons/residents and guests will be prohibited from accessing the site from the Shaw Ridge Road, driveway entrance. Only employee, police and emergency vehicles will be permitted to use the entrance from Shaw Ridge Road.

28. Fee owned open space and open space easement shall conform with plans labeled "exhibit "B" dated October 17, 1996, in the office of Open Space Division of the Park & Recreation Department.
29. Lots 136,138 and 139 shall be deeded in fee simple to the City, at no cost, for open space. A determination shall be made by the City classifying those deeded Lots as either an exaction or voluntary gift.
30. A portion of Lot 147 shall be deeded to the City, at no cost, for open space.
31. Lot 137 shall have a negative open space easement and be maintained by the Home Owner's Association or the property owner(s).
32. Water Requirements:
- a. The subdivider shall provide a local 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 Department Manager.
  - b. 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 there to.
  - c. Prior to the preparation of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development including pressure regulating stations. A phasing plan shall be included in the study.
  - d. The subdivider shall install all facilities as required by the accepted water studies necessary to serve this development. Facilities, as shown on the approved tentative map, may not be acceptable.
  - e. The subdivider shall provide individual design reports for each pressure regulating station, satisfactory to the Water Department Manager, necessary to serve this development.

- f. 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 are located on a dead-end main then a looped system shall be installed.

33. Sewer Requirements:

- a. Prior to the preparation of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, 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 basin in which it lies. A phasing plan shall be included in the study.
- b. The subdivider shall install all facilities as required by the accepted sewer study and phasing plan, necessary to serve this development. Facilities, as shown on the approved tentative map, may not be acceptable.
- c. The subdivider shall provide individual design reports for each pump station and force main, satisfactory to the Metropolitan Wastewater Department Manager, necessary to serve this development.

34. Water and Sewer Requirements:

- a. The subdivider shall design all water and sewer facilities to the most current edition of the City of San Diego Water & 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, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access easements shall be provided to all water and sewer appurtenances (meters, manholes, blowoffs, air valves, cleanouts, gate and butterfly valves, etc.). Vehicular access roadbeds shall be surfaced with suitable approved material and a minimum of 20-feet wide. Easements between two lots shall be located entirely within one lot. No structures of any kind shall be built in or over the easements without first obtaining encroachment removal agreements.
- c. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, indicating that each parcel will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. Also, provide private easements for the private mains.
- d. The subdivider may request the City to process a Reimbursement Agreement to recover the developer's cost of design and construction of certain improvements in accordance with City regulations and practices pertaining thereto.

- e. The drainage system proposed for this development, as shown on the approved Vesting Tentative Map, is subject to approval by the City Engineer.
  - f. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
  - g. 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.
  - h. 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.
35. Portions of the project are located in the floodplain of Shaw Valley Creek, which is a tributary of the Carmel Valley Creek, as delineated on Panels 44 & 72 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 approval of this Vesting 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. 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 developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
  - d. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
  - e. 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.

- f. The developer shall grant drainage easements, satisfactory to the City Engineer.
  - g. A Note To Proceed on the subdivision shall not be issued by the City 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 City's Floodplain Management Section. 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 City's Floodplain Management Section. 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 City's Floodplain Management Section will notify Development Services of such issuance as soon as it is informed by FEMA.
  - j. Notes provided by the City's Floodplain Management Section concerning work in designated flood plains shall be included in all grading and improvement plans.
36. This subdivision is in a community plan area designated in the General Plan as Future Urbanizing. A special financing plan Subarea 5 Del Mar Mesa Facilities Benefit Assessment District has been 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 Manager. 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.
37. 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.
38. The subdivider shall grant to the City a forty (40) foot wide conservation easement (extending south from Shaw Ridge Road adjacent to parcels 5, 6, 14 and 15), which shall be denoted on the final map for Vesting Tentative Map 89-1296. A fence will be erected along the east and west perimeters of the easement to deter encroachment. It will be the responsibility of the applicant to maintain all native vegetation within the easement area. Additionally, no structures of any kind or public access shall be permitted within the easement, which is intended to facilitate a connection to the wildlife corridor to the south.

39. Prior to recordation of the final map for Vesting Tentative Map 89-1296, the permittee shall execute an agreement with the City Manager (similar to the draft Memorandum of Understanding (MOU) proposed by the Permittee at the City Council hearing on December 10, 1996, and on file in the office of the City Clerk) in exchange for the Permittee's offer to dedicate an easement to the City sufficient in width to accommodate an equestrian/hiking trail to extend in a north/south direction through the sites' western panhandle and ultimately connecting under Carmel Country Road (Neighborhood 10). This trail is identified in the adopted Public Facilities Plan for Subarea V as the "Southern trail.
40. Prior to recordation of the final map for Vesting Tentative Map 89-1296, the permittee shall dedicate an easement sufficient in width to accommodate a multi-use trail to extend in an east/west direction through the site's northern panhandle parallel to that portion of Shaw Ridge Road that traverses the project site. This trail is identified in the adopted Public Facilities Financing Plan for Subarea V as the "Northern" trail.

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.
- 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.