

(R-97-1365)

RESOLUTION NUMBER R-288543

ADOPTED ON APRIL 15, 1997

WHEREAS, Pardee Construction Company, Applicant, and Project Design Consultants, Engineer, filed an application for a 203-lot Vesting Tentative Map for a site located east of Old El Camino Real and south of San Dieguito Road, and described as a portion of Lot 1 of San Dieguito Estates Map No. 10780 and portions of the southeast quarter and southwest quarter of the southeast quarter of Section 8, Township 4 South, Range 3 West, SMB, in the North City Future Urbanizing Area ("NCFUA"), in the A-1-10 Zone; and

WHEREAS, on April 3, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") considered Vesting Tentative Map No. 94-0576 pursuant to San Diego Municipal Code section 102.0307, and voted 5 to 0 to deny the project; and

WHEREAS, the matter was set for public hearing on April 15, 1997, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Vesting Tentative Map No. 94-0576:

1. The map proposes the subdivision of a 389-acre site into 203-lots (148 single family, 1 multi-family affordable housing, 10 brush management, 9 private driveway) for residential development. This type of development is consistent with the General Plan and the NCFUA, which designate the area for residential use. The proposed map will retain the

community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the A-1-10 Zone in that:

a. All lots have minimum frontage on a dedicated street or private drive which is open to and usable by vehicular traffic, as allowed under a Planned Residential Development Permit.

b. All lots meet the minimum dimension requirements of the A-1-10 Zone, as allowed under a Planned Residential Development Permit.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a Planned Residential Development Permit.

d. Development of the site is controlled by Planned Residential Development/Resource Protection Ordinance Permit No. 94-0576.

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 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 NCFUA Framework Plan, which provides for residential uses.

6. The design of the subdivision or the proposed improvements are likely to cause substantial environmental impact in the form of landform alteration, based upon findings of Environmental Impact Report No. 94-0576, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems, in as much as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

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

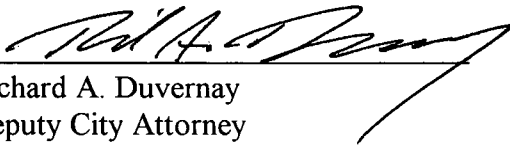
9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and public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

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

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is overturned, and Vesting Tentative Map No. 94-0576 is hereby granted to Pardee Construction

Company, Applicant, and Project Design Consultants, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
07/17/97  
Or.Dept:Clerk  
R-97-1365  
Form=tmr.frm

## CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP 94-0576

1. 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.
2. The final map shall conform to the provisions of Planned Residential Development/Resource Protection Ordinance Permit No. 94-0576.
3. This tentative map will become effective with City Council approval and will expire 3 years thereafter.
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 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 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 Environmental Impact Report No. 94-0576, satisfactory to the Development Services Manager and the City Engineer, which is included herein by this reference.
10. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Section 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map and may impose reasonable conditions, relating to the filing of multiple final maps, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
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 (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.
14. Undergrounding of existing and/or proposed public utility systems and service

facilities within the proposed subdivision is required according to San Diego Municipal Code Section 102.0404, Subsection 2.

15. Prior to the recordation of the first final map or the issuance of a grading permit, the owner shall provide a letter from SDG&E to the City Manager, stating that the grading and improvement plans and the final map for the subdivision provide the necessary access road grading, easements and/or rights-of-way which satisfy SDG&E's needs for access through the subdivision to SDG&E's existing 150-foot-wide utility easement and facilities within that easement.
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. This subdivision shall comply with the provision of the Settlement Agreement on file in the Office of the City Clerk as Document No. RR-288265.
18. The first unit of the final map shall include Lot 149.
19. This subdivision shall comply with the provisions of the approved traffic study, satisfactory to the City Engineer.
20. Derby Farms Road is classified as a residential street. The subdivider shall dedicate a cul-de-sac with a 58-foot right-of-way radius and shall provide pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance with a cul-de-sac curb radius of 48 feet, satisfactory to the City Engineer.

Access to Private Driveway "D" from Derby Farms Road shall only be for emergency access. Access shall be by a standard City driveway, curb returns are not permitted. The subdivider shall provide control access satisfactory to the Fire Department and the City Engineer.

21. Private Street "A-A" is a modified two lane sub-collector street. The subdivider shall dedicate a 51 foot right-of-way with a cul-de-sac right-of-way radius of 60 feet elongated and shall provide 36 feet of pavement, with 4-foot grass surfaced pedestrian path on one side of the street within a 10-foot curb-to-property-line distance and a cul-de-sac curb radius of 50 feet, satisfactory to the City Engineer. Nonstandard features such as enhanced paving, medians, guardhouse, landscaping and other items shall be permitted via an

encroachment removal agreement. Access from San Dieguito Road shall be by standard curb returns. Street design shall be satisfactory to the Fire Department and the City Engineer.

Access to Private Driveway "A" shall be by standard City driveway(s). Curb returns are not permitted.

Private Street "A-A" traverses City owned property. In accordance with the provisions of the Settlement Agreement on file in the Office of the City Clerk as Document No. RR-288265, the City shall transfer title to Pardee and Pardee shall pay the City the fair market value for said property, based on an independent appraisal, but not to exceed \$25,000. All such funds shall be placed in the open space acquisition fund.

22. Old El Camino Real is classified as a two-lane collector street within 60 foot wide right-of-way. The subdivider shall dedicate and improve the easterly half width of the road with a minimum of 20-feet of pavement plus standard curb, gutter and sidewalk within 30 feet of right-of-way. Special attention must be paid to properly handling of drainage and transitioning to the existing pavement on both northerly and southerly ends. In areas where the entire existing dedicated road is within the subdivision boundary, the subdivider is responsible for dedication and improvement of full width road.
23. The subdivider shall dedicate additional right-of-way at the intersection of San Dieguito Road and Street "A-A" to provide for and construct a westbound-to-southbound left-turn pocket and an eastbound-to-southbound right-turn lane, designed with proper transitions and lane widths for a 55 MPH roadway, satisfactory to the City Engineer.
24. The subdivider shall construct a traffic signal at the intersection of El Camino Real and Derby Downs Road, satisfactory to the City Engineer.  
  
If the signal does not meet warrants at the time of recordation of the final map, then the subdividers shall pay their fair share of the cost of the traffic signal. If the subdivider constructs the traffic signal, a reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be established by the City Council to recover a portion of the costs of constructing the required traffic signal systems when the adjacent properties develop.
25. The subdivider shall provide a 20-foot pavement between the raised median and the curb.



26. Private Drive A from Private Street "AA" to Private Drive B: the subdivider shall provide 36 feet of pavement width, with a grass surfaced pedestrian path on one side of the street, and a minimum design speed of 30 MPH.
27. Private Drives A (from B to C), B, C and D: the subdivider shall provide 28 feet of pavement width, with a grass surfaced pedestrian path on one side of the street, and a minimum design speed of 20 MPH.
28. Private Drives E through J, L through N, and P: the subdivider shall provide 28 feet of pavement width, with a grass surfaced pedestrian path on one side of the street, and a minimum design speed of 20 MPH.
29. Parking shall be prohibited in private driveways with less than a 28-foot curb-to-curb width.
30. Vehicular access to the dwelling units within the PRD of Unit 10, shall be by a system of privately maintained, unnamed, non-dedicated, private driveways, with a minimum pavement width of 24 feet and a minimum of 26 feet adjacent to fire hydrants, constructed in a manner satisfactory to the City Engineer and the Fire Department.
31. The subdividers shall contribute their fair share of the off-site costs for Capital Improvement Project (CIP) 52.479.0, which consists of the following:
  - a. Widen El Camino Real from a two-lane road to a four-lane major street, including bridge widening, between Half Mile Drive and Via de la Valle.
  - b. Widen El Camino Real from Via de la Valle to a point 350 feet south, to provide a north-bound right-turn lane.

Some or all of this fair share contribution may be provided through Development Impact Fee Contribution.

32. The subdividers shall contribute their fair share of the off-site costs for the widening of Via de la Valle to a four-lane major street, from San Andres Drive to El Camino Real East, satisfactory to the City Engineer. Some or all of this fair share contribution may be provided through Development Impact Fee Contribution.
33. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances associated with improvements installed in conjunction with this subdivision, within the City right-

of-way adjacent to and within this subdivision, until such time a landscape maintenance district 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, within the City right of way.

34. The landscape and brush management shall be in accordance with the *Landscape Technical Manual*.
35. The subdivider shall provide a reciprocal-access easement, satisfactory to the City Manager.
36. Water Requirements:
  - a. The subdivider shall cause preparation of an acceptable 610/712 HGL pressure zones water study at a cost not to exceed \$140,000 when the building permit for the 9000th EDU in Carmel Valley is issued, or when the final map for the first unit in this subdivision is filed, whichever later occurs, provided preparation of such water study has not otherwise been assured, in which event subdivider shall be responsible for the subdivider's share of the water study which will be reasonably related in nature and extent to the impacts created by this subdivision.

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

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

- b. Prior to the preparation of any public improvement drawings, the

subdivider shall revise existing water studies for this development, satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development including pressure regulating stations.

- c. The subdivider shall install all facilities identified in the accepted water studies and phasing plans, reasonably related in nature and extent, to the impacts created by this subdivision. The subdivider understands that certain major water facilities may be needed to provide adequate water capacity to the 610/712 HGL area. Some of such facilities may be larger and more extensive than those necessary to solely provide service to this subdivision. The subdivider specifically understands and agrees that building permits and/or occupancy permits may be denied if the water facility infrastructure at any time is inadequate to provide water service to the subdivision. Water facilities, as shown on the approved tentative map, may require modification based on the accepted water studies.
- d. 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) dwelling units are located on a dead-end main then a looped system shall be installed.

37. Sewer Requirements:

- a. The subdivider shall install all facilities required in the accepted sewer study necessary to serve this development. Sewer facilities, as shown on the approved tentative map, may require modification based on the accepted sewer study.

38. Water and Sewer Requirements:

- a. The subdivider shall design all public 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 grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers.

Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water with services or fire hydrants -24 feet, sewer with manholes -20 feet. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.

- c. The subdivider shall grant a water and sewer easement over the private driveways throughout the development, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. These easements shall be a minimum of 24-feet-wide with a minimum of 24 feet of paving.
  - d. If on site water and sewer mains are to be public and if it is a gated community, the Water Operations and Wastewater Collection Divisions shall have keyed access satisfactory to the Water and Metropolitan Wastewater Departments' Managers. The City will not be held responsible for any issues that may arise relative to the availability of keys.
  - e. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each lot 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.
39. The subdivider shall provide temporary desilting basin and permanent detention basin for the watershed draining into the San Dieguito Lagoon. All drainage systems, including desilting/detention basins, shall be private and be maintained by the Homeowner's Association, unless approved and accepted as a public system by the City Engineer.
40. 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.
41. 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.

42. Portions of this project are located in the floodplain of Gonzales Canyon, which is a tributary of the San Dieguito River, as delineated on Panels 43, 44, and 45 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 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 floodproofing of all structures to that same elevation.
  - c. The subdivider shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
  - d. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
  - e. 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.
  - f. The subdivider shall provide slope protection for proposed slopes, if any, as required by the City Engineer, where the flow velocity exceeds 5 FPS.

- g. 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.
- h. No permits shall be issued for grading or other work in the floodplain of Gonzales Canyon until the subdivider obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego Engineering Department. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
- i. When as-built grading and public improvement plans are available, the subdivider must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego Engineering Department. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
- j. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego Engineering Department will notify the Development Services Division of such issuance as soon as it is informed by FEMA.
- k. Notes provided by the Floodplain Management Section of the City of San Diego Engineering Department concerning work in designated floodplains shall be included in all grading and improvement plans.

43. Open Space Requirements:

- a. All units:
  - i. All lots deeded to the City, in fee simple, for open space shall be free and clear of any private easements, agreements, encroachments or liens.
  - ii. Any desilting/detention basins or storm drains located on City fee owned open space shall have easements, including access easements, from a City street or existing access easements.
  - iii. Revegetation on City open space shall comply with the approved revegetation plan for Del Mar Highlands Estates.

- iv. All lots abutting City fee owned open space shall provide brush management zones, either on each lot and be maintained by the owner, or be lotted out and be made a single lot owned and maintained by the Homeowner's Association. The depth of the brush management zones shall be determined by the Fire Department per the Landscape Technical Manual. No brush management zone can be located on City fee owned open space.
  - v. All manufactured slopes located in City fee owned open space shall be planted with native plants and have temporary irrigation systems if necessary.
  - vi. Replanting on City fee owned open space lots will not be accepted until the plants are in a healthy and vigorous condition.
  - vii. The subdivider shall remove from City fee owned open space lots all trash, debris, toxic waste and any illegal encampments.
- b. Unit 1:
- i. Lot 150 shall be granted to the City, in fee simple, at no cost, for open space.
  - ii. Lots LA through LF shall have a building restricted easement.
  - iii. Lots 1, 2 and 4-7 shall have brush management zones along the rear propertyline (negative open space easement).
- c. Unit 2:
- i. Lots 151 & 152 shall be granted to the City, in fee simple, at no cost, for open space.
  - ii. Lots A, B, C and 153 shall have a negative open space easement. Lot 153 will not be accepted in fee due to brush management requirements on the lands abutting to the east. (Lot 153 and Lot C can be combined into one lot.)
  - iii. Lot LG shall have a building restricted easement.
  - iv. Lots 8-14 shall have brush management zones along the rear property line (negative open space easement).

R-288543

d. Unit 3:

- i. Lots 154 & 155 shall be deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots D, E & F shall have negative open space easements for brush management and be owned and maintained by the Homeowner's Association.
- iii. Lots LH, LI & LJ shall have a building restricted easement.
- iv. Lots 28-31 and 33-37 shall have brush management zones along the rear propertyline (negative open space easement).

e. Unit 4:

- i. Lot 156 shall be deeded to the City, in fee simple, at no cost, for open space.
- ii. Lots 143 through 148 shall have brush management zones wherever they abut City fee owned open space.

f. Unit 5:

- i. Lot 157 shall be deed to the City, in fee simple, at no cost, for open space. Drainage easement and access easement shall be provided for detention basin.
- ii. Lots 54 through 60 shall have brush management zones along the rear propertyline (negative open space easement).
- iii. Lot G shall have a negative open space easement for brush management.
- iv. Lots LK, LL, LM & LN shall have a building restricted easement. Lot LO shall have a drainage easement and access easement.

g. Unit 6:

- i. Lot 158 shall be deeded to the City, in fee simple, at no cost, for open space.



- ii. Lots 68, 69 & 80 shall have a brush management zone along the rear propertylines (negative open space easement).
  - iii. Lot LP shall have a building restricted easement.
- h. Unit 7:
- i. Lot 159 shall be deeded to the City, in fee simple, at no cost, for open space.
  - ii. Lots 81-85, 88, 90, 92 & 93 shall have brush management zones. Lots H & I shall have negative open space easements for brush management and be owned and maintained by the Homeowner's Association.
  - iii. Lot LQ & LR shall have a building restricted easement.
- i. Unit 8:
- i. Lot 160 shall be deeded to the City, in fee simple, at no cost, for open space.
  - ii. Lots 129, 130 and 131 shall have a negative open space easement for brush management.
  - iii. Lots LS & LT shall have a building restricted easement.
  - iv. Provide a brush management lot on the south side of Lot 129, reducing Lot 160 in size, or thin Lot 129.
  - v. Lots 102 and 120 through 129 shall have off-site brush management requirements to the east.
- j. Unit 9:
- i. Lot 161 shall be deeded to the City, in fee simple, at no cost, for open space.
  - ii. Lots J shall have a negative open space easement for brush management. Brush management zones shall be provided along the rear propertylines of Lots 105-111 and 137-142.

- iii. Lot LU shall have a building restricted easement.
- k. Unit 10:
  - i. Lot 162 shall have a negative open space easement for brush management. This lot will not be accepted in fee.
- 44. This subdivision is in a community plan area designated in the General Plan as Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.  
  
Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.
- 45. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.
- 46. The following are required environmental mitigation measures for the Del Mar Highlands Estates projects that the subdivider must implement to comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Environmental Impact Report (EIR) No. 94-0576, satisfactory to the Development Services Manager, the City Engineering and Capital Projects Department and the Environmental Analysis Section (EAS). In addition to the measures listed below, condition numbers 13, 23, 24, 27, 28, 32, 33, 34, 35, 36, 37, 38 and 40 are required by the MMRP as well as the Engineering and Capital Projects Department.

As a condition of the grading permit, all of the following mitigation measures shall be specified/shown on the grading plan(s):

Hydrology/water quality

- a. Grading and other surface-disturbing activities shall be planned to avoid the rain season (i.e. November through March) to reduce potential erosion impacts or with the approval of the Development Services Manager, employ construction phase erosion control measures, including the short-term use of sandbags, matting, Mulch, berms, hay

bales, or similar devices, along all graded areas to minimize sediment transport. The exact design, location, and schedule of use for such devices shall be conducted pursuant to direction and approval by the City Engineer and the Development Services Department.

- b. Within 90 days of completion of grading activities, graded common areas ( as opposed to residential lots) created during the construction phase of this project shall be hydroseeded and landscaped with appropriate ground cover vegetation consistent with the biology section mitigation requirements (e.g. use of native on nonnative plants). These revegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City Engineer.
- c. A site specific erosion control and landscaping plan shall be submitted to and approved by the City Development Services Manager. This plan will include measures to mitigate erosion and transport both during and immediately after construction (e.g., sediment traps or detention facilities), as well as the provision of landscaping to provide short and long-term landscaping to control erosion from manufactured slopes and erosion-resistant ground cover planting on graded areas which require installation within 30 days of completion of grading.
- d. Compacted slope areas shall be scarified, where appropriate, to induce surface water infiltration and revegetation as directed by the project geologist, engineer, and/or biologist.
- e. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials storage used during construction. Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and use of temporary impervious liners to prevent soil and water contamination.
- f. Surface drainage shall be designed to collect and discharge runoff into natural stream channels or drainage structures. All project related drainage structures shall be adequately sized to accommodate 50-year flood events (or other storm events pursuant to direction from the City).
- g. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as flow down slopes or over

disturbed areas.

- h. Energy-dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.

#### Landform alteration/visual quality

- a. The project's Landscape Architect shall include in the landscaping plans replacement trees, for the loss of mature eucalyptus trees, saplings at an approximate ratio of 1:1. Replacement trees may consist of any ornamental or native tree species approved by the Development Services Manager which will grow to match the height and breath of lost trees. The Landscape Architect shall verify and document the planting of these trees as part of the site development.

#### Biology

- a. A detailed revegetation plan shall be prepared and submitted by a qualified revegetation specialist for review and subsequent approval, by the Development Services Manager. The subdivider shall implement the "Native Habitat Restoration plan for Del Mar Highlands Estates" for at least the initial 37 acres of the 77 acre revegetation plan. Implementation of the revegetation plan shall occur during the first available rainy season upon the completion of grading. A surety bond, in the amount to be determined with the approval of the final plans, shall be posted with the Development Services Manager to assure implementation of the revegetation plan.

#### Paleontological resources

- a. Prior to the issuance of the first grading permit or the approval of the first final map, whichever occurs first, the paleontological monitoring plan, as described in the MMRP, shall be approved by the Development Services Manager. The subdivider 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 subdivider to the Development Services Manager.

Cultural resources

- a. Prior to the approval of the first final map, the subdivider shall provide an acceptable testing/indexing of site CA-SDI-5372/H as outlined within the MMRP to include the following:
  - i. Completion of an indexing program to collect archival information concerning the foundation/historic elements:
  - ii. Recover surface artifacts.
  - iii. Complete no more than 10 shovel test pits and three one meter sample units.
  - iv. One radiocarbon sample will be submitted for analysis if appropriate materials are recovered:
  - v. Report which includes appropriate mitigation measures will be completed providing the results and interpretations of the field and archival efforts.

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 Development Services Manager.
- 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.