

(R-98-192)

RESOLUTION NUMBER R-288908

ADOPTED ON JUNE 30, 1997

WHEREAS, Pardee Construction Company, Applicant, and Project Design Consultants, Engineer, filed an application with The City of San Diego for a 718-lot vesting tentative map ("VTM"), located south of Carmel Valley Road, and described as a portion of Section 28, Township 14 South, Range 3 West, SMB, and a portion of East Half of Section 29, Township 14 South, Range 3 West, SMB, in the Carmel Valley Community Plan area, in the A-1-10 zone (proposed SF-2, SF-3, MFI, NC, OS, and EP zones); and

WHEREAS, on June 12, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") recommended City Council approval of VTM No. 96-0737, amending VTM No. 91-0834; and

WHEREAS, the matter was set for public hearing on June 30, 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 VTM No. 96-0737, amending VTM No. 91-0834:

1. The map proposes the subdivision of a 383-acre site into 718 lots (778 residential units) for residential and commercial development. This type of development is consistent with the General Plan and the Carmel Valley Community Plan, which designate the area for residential

and commercial uses. 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 and development regulations of the SF-2, SF-3, MFI, NC, OS, and EP zones, in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Carmel Valley Planned District ("CVPD") permit.

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

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

d. Development of the site is controlled by CVPD Permit No. 96-0737, amending CVPD Permit No. 91-0834.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential and commercial development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential and commercial uses.

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

7. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. There are no new significant impacts, based upon the findings of the Subsequent EIR No. 96-0736 and 96-0737, which is included herein by this reference.

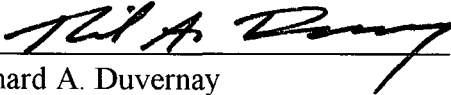
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate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

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

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained with the modification of deleting condition number 45.d. which is no longer applicable, and Vesting Tentative Map No. 96-0737, amending VTM No. 91-0834, 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
09/19/97
Or.Dept:Clerk
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Reviewed by Nick Osler

CITY COUNCIL CONDITIONS TO TENTATIVE MAP 96-0737

1. The tentative map shall become effective on the effective date of the associated rezone and expire three years thereafter. If the rezone is denied then this tentative map shall be deemed denied.
2. The final map shall conform to the provisions of Carmel Valley Planned District Permit No. 96-0737, amending Carmel Valley Planned District Permit No. 91-0834.
3. 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.
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. 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

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Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

9. Prior to the issuance of a grading permit or pre-grading permit for any unit of this vesting tentative map, proof of an incidental take permit under Section 4d, Section 7, or Section 10a of the Endangered Species Act, relative to the California gnatcatcher, shall be provided to the Development Services Department. If such an incidental take permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign required in obtaining a Section 4d, Section 7, or Section 10a permit will require reconsideration by the appropriate City decision-making body.

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

10. 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.
11. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
12. The subdivider has reserved the right to record multiple final maps over the area shown on the approved vesting tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the vesting tentative map the subdivider is including in each final map and may impose reasonable conditions relating to the filing of multiple final maps, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
13. 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.
14. 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.
15. This subdivision shall comply with the Transportation Demand Management (TDM) Plan approved May 1993, satisfactory to the TDM Administrator.
16. This tentative map is within the Carmel Valley Community, for which a Transportation Phasing Plan has been incorporated in the Public Facilities Financing Plan. Contained within this plan are individual traffic facility

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improvements. Before predetermined thresholds of development may be exceeded, the City Engineer must be satisfied that these improvements are either:

- a. completed;
- b. under contract;
- c. bonded;
- d. scheduled and funded for construction in the immediate fiscal year of the City's Capital improvement Program (CIP); or
- e. scheduled and funded for construction in the immediate fiscal year of the State Transportation Improvement Program (STIP).

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

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

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distance, and a 14-foot-wide raised landscaped center median, satisfactory to the City Engineer.

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

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


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

21. The subdivider shall relinquish access rights along Carmel Mountain Road for the entire length within this subdivision, with the exception of one 30-foot driveway for Units 11 and 12, satisfactory to the City Engineer.
22. Carmel Country Road is classified as a four-lane collector street within a 98-foot-wide right-of-way, unless otherwise determined by the approved traffic study. The subdivider shall dedicate a 98-foot-wide right-of-way and shall provide a minimum of 64 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a raised, landscaped, center median, satisfactory to the City Engineer. The subdivider may construct an interim two-lane collector within the 98-foot-wide right-of-way until such time as traffic warrants full-width improvements, satisfactory to the City Engineer. It shall be noted that, as a requirement of the first final map, the subdivider shall design and bond for the full-width improvements.

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

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


23. The subdivider shall provide grade and alignment studies for Carmel Mountain Road, Carmel Country Road, and all streets shown as stub streets, satisfactory to the City Engineer.
24. The interior residential local streets shall have a minimum right-of-way width of 56 feet with a minimum pavement width of 36 feet, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance; the Hunters Glen

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Drive cul-de-sac (south of Havenridge Way) shall have a 50-foot and 60-foot curb and right-of-way radius, respectively; all satisfactory to the City Engineer.

25. Street "P" is classified as a local residential street within a 56-foot-wide right-of-way and a 70-foot-wide right-of-way for 250 feet south of Carmel Mountain Road. The subdivider shall dedicate a 56-foot-wide and a 70-foot-wide right-of-way with transitions and shall provide full width improvements of pavement, curb, gutter, and four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer. Street "P" shall align with the opposing left-turn lane, satisfactory to the City Engineer.
26. The unnamed private street in Unit 11 shall be built to collector-street standards. The subdivider shall dedicate a 60-foot-wide right-of-way and shall provide 40 feet of pavement, curb, gutter, four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a cul-de-sac with a 50-foot curb radius and a 60-foot right-of-way radius, satisfactory to the City Engineer.

All cul-de-sacs' shall have a right-of-way radius and a curb radius in accordance with the City's Street Design Manual.
27. The knuckle on Street "P" shall be designed to the satisfaction of the City Engineer.
28. Amberglass Lane is classified as a residential street. The subdivider shall dedicate a 60-foot-wide right-of-way from Carmel Mountain Road to Hunters Glen Drive with transition to a 56-foot-wide right-of-way to Harvest Run Drive and shall provide full width pavement, curb, gutter, and a four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
29. Harvest Run Drive is classified as residential street. The subdivider shall dedicate a 56-foot-wide right-of-way from Amberglass Lane to Whispering Hills Lane with transition to an 84 foot wide right-of-way to Carmel Mountain Road and shall provide full-width pavement, curb, gutter, five-foot-wide sidewalk adjacent to the school/park site and a four-foot-wide sidewalk for the remaining area all within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
30. Gablewood Way (between Briar Woods Way and Timber Brook Lane) and Evans Woods Way are classified as residential single loaded street. The subdivider shall dedicate a 51-foot wide right-of-way, and provide 36 feet of pavement, curb, gutter and five foot-wide sidewalk within a ten-foot curb to property line distance, on the residential loaded side of the street and no sidewalk within a five-foot curb-to-property line distance on the non loaded side of the street, satisfactory to the City Engineer.
31. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping within the City right-of-way on Carmel Mountain Road, Carmel Country Road, and Street "A" until such time as the public improvements are accepted and a Landscape Maintenance District (LMD) is formed. The LMD

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- shall be established prior to the acceptance of the public improvements. The idea is to provide maintenance of landscaping in all public rights-of-way.
32. The subdivider shall provide adequate sight distance at all locations, satisfactory to the City Engineer.
 33. The transition from 84 feet to 56 feet on Street "A" shall be redesigned to reflect an adequate acceptable transition, satisfactory to the City Engineer.
 34. The subdivider shall provide evidence that approval has been obtained from the property owner to provide off-site local streets, satisfactory to the City Engineer.
 35. The subdivider shall not record a final map over Unit 10 until a full width dedicated street is provided for access.
 36. Lots 1 and 2 of Unit 11 are condominium projects as defined in Section 1350 of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. Total number of condominium dwelling units is 98.
 37. All earth slopes within the public right-of-way shall not exceed a two percent (2%) grade. Where slopes are adjacent to--not within--the public right-of-way, there shall not be any slope easements allowed. The slopes shall be within private property and shall have assured maintenance. The subdivider shall assure that the maintenance of the slopes within this subdivision, and created due to this subdivision, is managed. This may be satisfied by including such maintenance in a landscaped maintenance district, assuring there are adequate funds to provide for this maintenance by including the maintenance in the homeowners' association agreement, by including it in the CC&Rs, or other acceptable maintenance alternative satisfactory to the City Engineer.
 38. The school and park sites shall not have access onto Carmel Mountain Road. Access to the school and park site shall be from an interior street.
 39. Median breaks on Carmel Mountain Road will only be allowed at signalized intersections, except at the intersection with Amberglass Lane. Left turns only into Amberglass Lane will be permitted.
 40. The subdivider shall provide a pedestrian access easement from the end of Weatherstone Court and Briar Woods Way to Carmel Mountain Road, satisfactory to the City Engineer.
 41. The subdivider shall provide traffic signal systems at the following locations, satisfactory to the City Engineer:
 - a. Carmel Mountain Road and Street "A"/"P".
 - b. Carmel Mountain Road and Carmel Country Road.
 - c. Carmel Mountain Road and Street "A"/Harvest Run Drive.

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- d. Carmel Country Road and private street in Unit 11.

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.

42. A reimbursement district, in accordance with the provisions of Section 62.0208 of the San Diego Municipal Code, or an assessment district, in accordance with the City's procedural provisions, may at the Council's option be established at the subdivider's request to recover a portion of the costs of constructing public improvements.


43. 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

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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.

44. Sewer Requirements:

- a. Prior to the preparation of any public improvement drawings, the subdivider shall revise existing sewer studies for this development, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer 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.
- b. The subdivider shall install all facilities as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved tentative map, may require modification base on the accepted sewer study.

45. 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 provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, 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 facilities that serve more than one lot. Also, provide private easements for the private facilities.
- c. 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

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appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains 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.


46. Prior to the recordation of the first final map, a comprehensive drainage plan for the entire Carmel Valley Neighborhood 10 Precise Plan area shall be approved, satisfactory to the City Engineer.
47. The drainage system proposed for this subdivision, is subject to approval by the City Engineer. The subdivider shall provide detention/desilting basins to the satisfaction of the City Engineer.
48. 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.
49. 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 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.

50. 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 City of San Diego has received a Conditional Letter of Map Revision (CLOMR), from the Federal Emergency Management Agency dated April 21, 1997. The Subdivider shall comply with the CLOMR, satisfactory to the City Engineer

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- b. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
 - c. 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.
 - d. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
 - f. The developer 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.
 - g. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
 - h. The developer shall provide safety fencing where required by the City Engineer.
 - i. 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.
 - j. The developer shall grant drainage easements, satisfactory to the City Engineer.
 - k. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - l. 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's Public Works/Engineering and Capital Projects will notify the Development Services of such issuance as soon as it is informed by FEMA.
 - m. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.
51. The subdivider shall enter into an agreement acceptable to the City Engineer and the Park and Recreation Director, prior to the recordation of the first final map within this subdivision, which shall address the following items:

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- a. The subdivider shall hire an appraiser, acceptable to the City Manager, which shall be knowledgeable in all Federal, State, County, and City codes in relationship to real property acquisition. The appraisal will be required for two five-acre parcels, APN 307-100-03 and APN 307-100-04, not owned by the subdivider.
- b. The appraisal shall be completed and submitted to the City Manager at least 45 days prior to the filing of the first final map of any unit with this subdivision. The proposed purchase price of APN 307-100-03 and APN 307-100-04 shall be mutually agreed upon by the City Manager and the subdivider. The subdivider shall diligently negotiate the purchase of APN 307-100-03 and APN 307-100-04. The City shall (from available budgeted funds) fund the purchase price for APN 307-100-03 and APN 307-100-04. In the event insufficient City funds are available to purchase APN 307-100-03 and APN 307-100-04, the City and the subdivider shall enter into an agreement whereby the subdivider advances funds for the acquisition of said parcels. Said agreement shall provide for adequate allocations of building permits sufficient to enable the subdivider to recover, through FBA credits or cash reimbursements, all funds, plus interest, at the applicable FBA rate, advanced for the acquisition of the parcels. The subdivider's obligation to advance funds shall be limited to an amount not to exceed the purchase price agreed upon by the subdivider and the City Manager.
- c. If, by the time of the filing of the first final map of any unit within this subdivision, the subdivider is unable to negotiate a purchase price for APN 307-100-03 and APN 307-100-04, the City may, within 120 days of the filing of the subdivider's final map, pursuant to Section 66462.5 of the California Subdivision Map Act, acquire by negotiation or commence proceedings pursuant to Title 7 (commencing with Section 1230,010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land at a price acceptable to the City Manager and the subdivider, including proceedings for immediate possession of the property pursuant to Article 3 (commencing with Section 1255.410) of Chapter 6 of such title. In the event the City fails to meet the 120-day time limitation, Condition 51a, 51b, and 51c shall be conclusively deemed to be waived.
- d. The Neighborhood Park site and joint-use areas, Lots 1 and 2 of Unit 13, shown on the approved tentative map, are being reserved in accordance with Section 66479 et seq. of the California Subdivision Map Act. The subdivider shall, prior to the recordation of the first final map of any unit within this subdivision, enter into an agreement for the City to acquire Lots 1 and 2 of Unit 13 within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof, at the time of the original submittal of VTM 91-0834 (i.e., May 14, 1992), plus the taxes against such reserved area, from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. In the event the City does not


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exercise its option to acquire one or both of Lots 1 and 2 of Unit 13, the reservation of the area shall automatically terminate.


- e. The subdivider shall rough grade the Neighborhood Park site to Park and Recreation Department specifications and shall construct the contiguous street improvements. Prior to the filing of the first final map of any unit of this subdivision, the subdivider shall enter into an agreement with the City which defines the method of compensation for the work done on the Neighborhood Park Site.
- f. Prior to the filing of the first final map of any unit in this subdivision, the subdivider shall enter into an agreement with the City for the design and construction of the Neighborhood Park site. The agreement shall define the method of compensation.
- g. Park land acquisition shall be of usable two percent (2%) graded acreage and not for land above a two percent (2%) grade.

52. Open Space Requirements:

- a. General requirements (all units):
 - i. All lots deeded to the City for open space shall be free and clear of all private easements, liens, and private agreements. The Lots shall be granted in fee simple at no cost to the City.
 - ii. Desilting/detention basins shall be located on private property, owned and maintained by the master homeowners' association, or if located on City open space lots, they shall have drainage easements to the City, including necessary access easements from a public street or existing access easement.
 - iii. Access shall be prohibited from private lots to open space lots and Los Peñasquitos Canyon Preserve.
 - iv. The design, landscaping fencing and building setbacks on lots adjacent to Los Peñasquitos Canyon Preserve shall be such as to eliminate or minimize the visual impact from the Preserve (Units 2, 3, 4 and 5).
 - v. All storm drains terminating in open space lots shall be extended to the low point, to prevent hillside erosion, with energy dissipators to prevent downstream erosion.
 - vi. Full-depth Brush Management Zones are required where the private lots are adjacent to the Los Peñasquitos Canyon Preserve (Unit 4 - Lots 55 and 60, Unit 9 - Lots 17 through 24).
 - vii. All future City-owned open-space lots shall have invasive exotic plants removed and shall be replanted with native plants.

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- viii. All manufactured slopes within City-owned open-space shall be planted with native plants, shall have temporary irrigation systems, and shall be maintained by the developer. The manufactured slopes shall not be accepted into the City inventory until the plants are in a healthy and vigorous condition and the temporary irrigation system is removed.
 - ix. All negative open space easements for brush management shall be owned and maintained by the Homeowners Association or the property owner(s).
- b. Unit 1:
- i. Lot H shall have a negative open space easement for brush management and be owned and maintained by the Homeowners Association.
 - ii. Lot A shall be deeded to the City for open space.
- c. Unit 2:
- i. Lots I & T shall have a negative open space easement for brush management.
 - ii. Lots B & C shall be deeded to the City for open space.
- d. Unit 3:
- i. Lots J & K shall have a negative open space easement for brush management.
 - ii. Lot D shall be deeded to the City for open space.
- e. Unit 4:
- i. Lot K is shall have a negative open space easement for brush management.
 - ii. Lot Y shall be deeded to the City for open space.
- f. Units 5, 6 & 7:
- There are no Open Space requirements for Units 5, 6 and 7.

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- g. Unit 8:
 - i. Lots L & M shall have a negative Open Space easement for brush management.
 - ii. Lots E & F shall be deeded to the City for Open Space.
- h. Unit 9:
 - i. Lot Z shall have negative Open Space easement for brush management.
 - ii. Lot X shall be deeded to the City for Open Space.
- i. Unit 10:
 - i. Lot N shall have negative Open Space easement for brush management.
 - ii. Lot G shall be deeded to the City for Open Space.
- j. Units 11, 12 & 13:


There are no Open Space requirements for Units 11, 12 and 13.

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

54. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

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

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56. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering Department for each final map processed in connection with this vesting tentative map.
57. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Subsequent Environmental Impact Report (LDR Nos. 96-0736 and 96-0737), satisfactory to the Development Services Director, the City Engineer, and EAS. In addition to the measures listed below, condition numbers 10, 18, 19, 20, 22, 46, 48, 49, and 52 (denoted by an asterisk on above conditions) are required by the MMRP as well as the Engineering Department.
 - a. Prior to recordation of the final map or issuance of a grading permit, the City Development Services, Transportation Development shall verify that the sidewalks, bicycle lanes, and room for bus stops, as needed, are incorporated in appropriate sections of the amended precise plan and subsequent tentative maps and VTMs. Additionally, the road system and other traffic improvements will conform with the recommended transportation improvement phasing program.
 - b. Prior to recordation of the final map or issuance of a grading permit, written verification that a qualified paleontologist and/or paleontological monitor has been retained to implement a paleontological monitoring program shall be provided to the City. Verification shall be in the form of a letter from the project applicant to the principal planner of the Environmental Analysis Section (EAS) of Development Services. A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in the paleontological monitoring program shall be approved by EAS prior to any preconstruction meetings.
 - c. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The project applicant shall notify EAS of any preconstruction meeting dates, and of the start and end of construction. The requirement for paleontological monitoring shall be noted on the construction plans. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses paleontological collections, and preparing a results report. These duties are defined as follows:
 - i. **Monitoring.** The paleontologist or paleontological monitor shall be on-site during the original cutting of previously undisturbed areas of the sensitive formation to inspect for well-preserved fossils. The paleontologist shall work with the contractor and EAS to determine

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- the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
- ii. Salvaging. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact the Environmental Analysis Section of the City of San Diego Development Services. EAS must concur with the salvaging methods before construction is allowed to resume.
 - iii. Preparation. Fossil remains shall be cleaned, sorted, cataloged, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
- d. A note shall be included on the grading plans that the above paleontological measures are conditions of approval of grading permits. EAS shall ensure these measures are conditions of the tentative map prior to approval of the tentative map. Prior to issuance of grading permits, EAS and Development Coordination shall review the grading plans to ensure that these measures are on the plans.
- e. The applicant will implement the following mitigation measures:
- i. Prior to the recordation of the final map or issuance of grading permits, the subdivider shall comply with the terms of the Settlement Agreement between Pardee Construction Company and the City of San Diego as it pertains to neighborhood 10 Plan Amendments.
 - ii. The on-site revegetation of approximately 2.0 acres of the manufactured slopes adjacent to natural open space resulting from the amended VTM adjacent to natural open space will also be required (see Figure 3-5). As required in the previously approved revegetation plan for Neighborhood 10 (City of San Diego 1993b) the revegetation will utilize coastal sage scrub plant species suitable for use as habitat for the gnatcatcher and other species which occur in coastal sage scrub. Maintenance and monitoring of the revegetated slopes will be conducted to ensure habitat establishment and determine compliance with success criteria set forth in the previously approved revegetation plan (see Appendix G4). Implementation of the revegetation plan and the maintenance and monitoring of the revegetated slopes shall be assured through the posting of a bond(s) prior to issuance of the grading and interim habitat loss permits.

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- iii. Approval of the amended VTM shall require a brush management plan that minimizes impacts to the habitat quality of the native vegetation nearest development areas which must be thinned for fire protection purposes. Prior to the issuance of the grading and interim habitat loss permits, this condition shall be noted on all future TM's, VTM's, as well as grading and landscape plans. The native vegetation will be trimmed by hand rather than removed altogether, and fuel build-up in the brush management zone surrounding development areas will be reduced by hand clearing away of dead branches and undergrowth rather than periodic discing or grading. To further minimize potential impacts to sensitive plant and wildlife species, brush management activities will not be conducted during the breeding season (between March 1 and August 15). A qualified biologist shall be on-site during brush management activities to ensure that, to the fullest extent possible, brush management activities avoid impacts to sensitive plant species and will not directly impact sensitive wildlife species. In Zone 2, 30 percent native plant cover over 18 inches high shall be retained, and in Zone 3, a 40-60 percent gradient of native plant cover over 18 inches high shall be retained. No non-native planting or irrigation shall be used or allowed in Zone 2 or 3. Ashy spike-moss and San Diego barrel cactus will not be removed while thinning for Zones 2 and 3. The ongoing brush management requirement and continued funding for the biologist will be assured through the future homeowner's association agreement which shall be established by the applicant. Brush management in revegetation areas shall commence at the end of the revegetation monitoring period, or as specified by the revegetation biologist.
- iv. Staking and monitoring of grading activities for the amended VTM by a qualified biologist will also be implemented prior to and during the grading operations to ensure no unanticipated impacts to sensitive habitats or species occur within the areas shown for permanent open space. Prior to clearing or grading of the precise plan, an Interim Habitat Loss Permit would need to be obtained.
- v. No clearing or grading of native habitat shall occur during the gnatcatcher breeding season (March 1 - August 15).
- vi. The salvage and transplanting of San Diego barrel cactus within the areas to be disturbed by grading per the amended VTM shall be required prior to the issuance of a grading permit.
- vii. Mitigation for impacts to 0.3 acre of southern willow scrub, include the following:
 - (1) Prior to the issuance of any land development permit or filing of the first final map the subdivider shall retain a qualified revegetation specialist, experienced in southern willow scrub creation and enhancement, approved by the

Manager, Development Services, for the purpose of implementing the southern willow scrub mitigation plan.

- (2) Prior to the issuance of any land development permit or filing of the first final map a detailed southern willow scrub creation/enhancement and monitoring plan containing the components and success criteria outlined in the MMRP shall be prepared.
 - viii. Any brushing activity that would impact coastal sage scrub habitat shall not occur during the breeding season (March 1 - August 15) to avoid impacts to breeding California gnatcatchers. The biologist on duty for the applicant/developer shall verify this condition through written notification of the Development Services Director. This condition shall be noted on all future TMs, VTMs, and grading and landscaping plans.
 - f. Prior to grading permit issuance, a project-specific landscaping plan shall be prepared and approved by the Development Services, Landscape Section. The landscape plan shall be consistent with the City's Landscape Technical Manual. Temporary erosion-control measures to be implemented during construction include planting on disturbed and manufactured slopes within 90 days. Permanent erosion-control measures shall include complete landscaping with drought-tolerant, slope-stabilizing vegetation.
58. A "building Restricted Area of Brush Management Zone One" shall be of varied depths as identified on Exhibit "A", Brush Management Plan, on file in the office of the Development Services and which shall be owned and maintained by the property.
59. All building restricted and open space areas shall be shown on the final.

FOR INFORMATION:

This property may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Carmel Valley Community Plan area.

This community may be subject to impact fees, as established by the City Council.

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

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