

RESOLUTION NUMBER R- 289451

ADOPTED ON NOV 18 1997

WHEREAS, General Dynamics Corporation, Applicant, and Rick Engineering, Engineer, filed an application for an 86-lot Vesting Tentative Map, for a site located south of Clairemont Mesa Boulevard, between Kearny Villa Road and Ruffin Road, and described as Lots 4-6 and 11-13 and a portion of Lots 20, 21 and 22 of the Highlands, Map No. 284, and a portion of Blocks 1, 2, 9 and 10 of Rosedale, Map No. 826, in the Kearny Mesa Community Plan area, in the M1B, M1A (proposed M1B, M1A & CA) Zones; and

WHEREAS, on November 18, 1997, the City Council of The City of San Diego considered Vesting Tentative Map 96-0165, New Century Center, pursuant to San Diego Municipal Code section 102.0307, and voted 9 to 0 to approve the project; 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. 96-0165:

1. The map proposes the subdivision of a 243.8 acre site into 86 lots for mixed use (retail, entertainment, commercial & industrial) development. This type of development is consistent with the General Plan and the Kearny Mesa Community Plan, which designate the area for mixed use (retail, entertainment, commercial & industrial). 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 M1B, M1A & CA Zones in that:
 - a. All lots have minimum frontage on a dedicated or private street which is open to and usable by vehicular traffic, as allowed under a Planned Commercial/Planned Residential Development (PCD/PID) Permit.
 - b. All lots meet the minimum dimension requirements of the M1B, M1A & CA Zones, as allowed under a PCD/PID 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 PCD/PID Permit.
 - d. Development of the site is controlled by PCD/PID/RPO Permit No. 96-0165.
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 mixed use (retail, entertainment, commercial & industrial) 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 mixed use (retail, entertainment, commercial & industrial).
6. The design of the subdivision or the proposed improvements are likely to cause

substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings of Environmental Impact Report No. 96-0165, which is included herein by this reference.

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 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 Vesting Tentative Map No. 96-0165 is granted to General Dynamics, Applicant, and Rick Engineering, Engineer, subject to the attached

conditions incorporated by this reference.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

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Or.Dept:Dev. Svcs.
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CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP 96-0165

1. This vesting tentative map will become effective on the effective date of the rezone, and expire three years thereafter or as allowed by the Development Agreement. Should the rezone or the associated Community Plan Amendment be denied, then this vesting tentative map shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map unless, otherwise noted.
3. The final map shall conform to the provisions of Planned Industrial Development/Planned Commercial Development/Resource Protection Ordinance Permit No. 96-0165.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, are 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 are authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769635.

5. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
6. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
7. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

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- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. 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. 96-0165, satisfactory to the Planning Director and the City Engineer, which is included herein by this reference.
10. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map and may impose reasonable conditions, contained herein, 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 off-site improvements contained herein in connection with each unit.
12. The subdivider must provide a geologic reconnaissance report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0415 et seq.
13. 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.

14. This subdivision and associated conditions of approval shall comply with the Development Agreement.
15. Prior to the recordation of the first final map, the subdivider shall enter into an agreement with MTDB to dedicate in fee up to 2.0 acres for a Bus Transit Center containing up to 10 stalls in the bus staging area; In addition, a Park and Ride facility containing up to 50 parking spaces shall be provided through a shared use agreement.
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. Convair Drive (from Kearny Villa Road to Lot 4) is classified as a modified four-lane collector street. The subdivider shall dedicate a 89-foot wide right-of-way, and provide 72 feet of pavement, curb, gutter and five-foot wide sidewalk, within a ten-foot curb-to-propertyline distance on the south side of the street, and no sidewalk and a seven-foot curb-to-propertyline distance on the north side of the street.
18. Convair Drive (from Lot 4 to Ruffin Road) is classified as a modified four-lane collector street. The subdivider shall dedicate a 96-foot right-of-way, and provide 72 feet of pavement curb, gutter and five-foot wide sidewalk within a 12 foot curb-to-propertyline distance, satisfactory to the City Engineer.
19. Main Street (from Kearny Villa Road easterly to bulb) and Street "B" are classified as modified four-lane major streets. The subdivider shall dedicate a 102-foot wide right-of-way, and provide 64 feet of pavement, 14-foot raised median, curb, gutter and five-foot wide sidewalk, within a 12-foot curb-to-propertyline distance, satisfactory to the City Engineer.
20. Main Street (from bulb to Street "C"/"D") is classified as a two-lane local street. The subdivider shall dedicate a 74-foot wide right-of-way, and provide 54 feet of pavement, curb, gutter and a minimum five-foot wide sidewalk, within a ten-foot curb-to-propertyline distance, satisfactory to the City Engineer.
21. Overland Drive (from Clairmont Mesa Boulevard to Street "B") is classified as a modified four-lane collector street. The subdivider shall dedicate a 98-foot right-of-way and provide 64 feet of pavement, 14-foot raised median, curb, gutter and five-foot wide sidewalk, within a ten-foot curb-to-propertyline distance, satisfactory to the City Engineer.

22. Overland Drive (from Street "B" to Electronics Way) is classified as a modified three-lane collector street. The subdivider shall dedicate a 72-foot wide right-of-way, and provide 48 feet of pavement, curb, gutter and five-foot wide sidewalk, within a 12-foot curb-to-propertyline distance, satisfactory to the City Engineer.
23. Electronics Way (from Kearny Villa Road to Lot 60) is classified as a modified four-lane collector street. The subdivider shall dedicate an 85-foot wide right-of-way, and provide 68 feet of pavement, curb, gutter and five-foot wide sidewalk on the northside of the street, within a ten-foot curb-to-propertyline distance and no sidewalk on the south side of the street with a 7-foot curb-to-propertyline distance, satisfactory to the City Engineer.
24. Electronics Way (from Lot 60 to Overland Drive) is classified as a modified three-lane collector street. The subdivider shall dedicate a 65-foot wide right-of-way and provide 48 feet of pavement, curb, gutter and five-foot wide sidewalk on the northside of the street, within a ten-foot curb-to-propertyline distance and no sidewalk with a seven-foot curb-to-propertyline distance on the southside of the street, satisfactory to the City Engineer.
25. Streets "C" and "D" are classified as modified one-lane, one-way local streets. The subdivider shall dedicate a 52-foot wide right-of-way, and provide 28 feet of pavement, curb, gutter and five-foot wide sidewalk, within a 12-foot curb-to-propertyline distance, satisfactory to the City Engineer.
26. Streets "G", "H", "I" and "J" are classified as two-lane collector streets. The subdivider shall dedicate a 60-foot wide right-of-way, and provide 40 feet of pavement, curb, gutter and five-foot wide sidewalk, satisfactory to the City Engineer.
27. For Clairemont Mesa Boulevard, Kearny Villa Road and Ruffin Road the subdivider shall dedicate additional right-of-way and provide full public improvements as defined in the Project Design Features and Mitigation Table, satisfactory to the City Engineer.
28. The subdivider shall provide the transportation improvements as defined in the Project Design Features and Mitigation Table in the New Century Center Final EIR, to the satisfaction of the City Engineer (and CalTrans when applicable).
29. The subdivider shall implement the Transportation Phasing Plan as

defined in the New Century Center Development Agreement, to the satisfaction of the City Engineer.

30. The subdivider shall implement the Final Map Phasing for on-site roadway improvements as defined in the New Century Center Development Agreement, to the satisfaction of the City Engineer.
31. The subdivider shall retain the ability to reclassify on-site roadways pursuant to additional traffic analysis and upon approval of the City Engineer.
32. All structures that conflict with the proposed lot lines and public streets shall be removed prior to the recordation of the final map.
33. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way until a Landscape Maintenance District, Property Owners' Association or other such mechanisms are established and assume maintenance responsibility, satisfactory to the City Engineer.

The subdivider shall obtain an encroachment removal agreement for landscape and appurtenances thereto within the City right-of-way.

34. All driveways shall be located three feet from the extension of the adjacent property lines, satisfactory to the City Engineer.
35. The subdivider shall assure that all streets and driveways have adequate sight distance, satisfactory to the City Engineer.
36. All landscaping shall be in accordance with the Landscape Technical Manual.
37. All project identification signs shall be located outside of the City right-of-way.
38. The subdivider shall close all non-utilized driveways on Clairemont Mesa Boulevard, Kearny Villa Road and Ruffin Road contiguous with this subdivision, and replace with full height curb, gutter and sidewalk.
39. The subdivider shall repair/replace all damaged curb, gutter and sidewalk on Clairemont Mesa Boulevard, Kearny Villa Road and Ruffin Road, contiguous to this subdivision.
40. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to

Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

41. Lots "A" and "B" shall have building restricted easements and be owned and maintained by the property owner's association.

42. Water Requirements:

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development and include a phasing plan.
- b. The subdivider shall install all facilities as required in the accepted water study, necessary to serve this development. Water facilities, as shown on the approved tentative map, may require modification based on the accepted water study.
- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) equivalent dwelling units are located on a dead-end main then a looped system shall be installed.

43. Sewer Requirements:

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains and to show that the existing and proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies. The study shall include a phasing plan.
- 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 based on the accepted sewer study.

44. 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.

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- 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 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 mains with services or fire hydrants -24 feet, sewer mains with manholes -20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
- c. 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.
- d. The subdivider shall be eligible to receive water and sewer credit for existing on-site water and sewer meters/EDU's per existing City policy.
45. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer. The subdivision shall not increase the drainage run-off over the existing site conditions. The subdivider will be required to provide and maintain detention basins. The use of cross gutters will be reviewed with the final improvement plans.
46. The subdivider has submitted a downstream drainage study that demonstrates that no additional adverse impacts will occur to downstream properties as a result of the runoff from this development.
47. The subdivider shall, for public and private streets, provide and show on the improvement plans an area not less than forty square feet for the planting of street trees. The location of street trees shall conform with Exhibit 'A' Landscape Concept Plan/ Design Manual and the applicable sections of the *Landscape Technical Manual*. Mid block and intersection median openings shall be landscaped consistent with the Street Design Manual.
48. Prior to issuance of any grading or building permits for individual site

development plans, complete landscape construction documents for the development phase proposed, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Development Standards and Design Manual Exhibit 'A', on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted. If land development permits are obtained prior to recordation of final maps, temporary erosion control and landscaping will be allowed.

49. Prior to any development above the Redevelopment Increment, in the event that traffic at the SR-163/Kearny Villa Road northbound on-ramp exceeds the meter rate during the p.m. peak hour, either CalTrans will increase the ramp meter rate to ensure that a significant impact does not occur to City streets, or a) in the event a significant impact will occur during the first phase of development above the Redevelopment Increment, the applicant will install, on a fair share basis, an HOV bypass lane to the satisfaction of CalTrans and the City Engineer or b) in the event a significant impact will occur during subsequent phases of development, the applicant shall either install, on a fair share basis, an HOV bypass lane to the satisfaction of CalTrans and the City Engineer or shall post a bond or other security, satisfactory to the City Engineer, ensuring that the HOV bypass lane shall be constructed prior to such significant impact.
50. Prior to any development above the Redevelopment Increment, and within 90 days after the City and CalTrans have approved the Project Study Report (PSR) for the SR-163/Clairemont Mesa Boulevard interchange and its associated construction budget, construction of the interchange improvements shall be assured to the satisfaction of the City Engineer.

Prior to any development above the Redevelopment Increment, the applicant shall demonstrate that the following has occurred:

- The City and CalTrans have approved a PSR that recommends "partial cloverleaf" improvements (without widening of the existing structures) and a construction budget for the SR-163/Clairemont Mesa Boulevard interchange as described further in the Kimley-Horn and Associates Traffic Impact Analysis (see Figure 4.3-3 in Appendix B), or any other alternative project sufficient to address the year 2006 conditions identified through the PSR process. The City has initiated a Capital Improvement Program project for construction of the project approved through the PSR process. The applicant has advanced the funding for construction of the

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required improvements consistent with an approved construction budget. However, such sums shall be reduced by the amount of fair share contributions collected by the City of San Diego from other development projects which impact the SR-163/Clairemont Mesa Boulevard interchange and by any funds which have been specifically allocated to the construction of such improvements as set forth in the Kearny Mesa Facilities Financing Plan.

51. Upon issuance of each building permit subsequent to the approval of the Redevelopment Increment Site Plan, the applicant shall pay development impact fees as required by the Kearny Mesa Community Facilities Financing Plan.

Note: to the extent that the applicant's construction of traffic improvements results in contributions in excess of the applicant's fair share, credits may be obtained against the payment of additional development impact fees for improvements to SR-163 and Clairemont Mesa Boulevard in accordance with the conditions of approval for Vesting Tentative Map 96-0165 or the Development Agreement Exhibit H.

52. The applicant shall apply for an amendment to the Kearny Mesa Community Facilities Financing Plan to include the "over and above" Community Plan improvements identified as necessary at buildout in the Kimley-Horn and Associates Traffic Impact Analysis.
53. Prior to issuance of grading permits for Planning Area 5A, 6A, 6C or 6D, impacts to approximately 9.0 acres of coastal sage scrub shall be mitigated to the satisfaction of the City Manager, through one of the following: (a) payment of fees or (b) acquisition of off-site habitat.

- a. Mitigation monies will be deposited in the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990. Based on today's approximate land value of \$15,000 per acre, the project applicant would be required to contribute \$148,500 ($\$15,000 \times 9.0 \text{ acres} + \$13,500 \text{ administration cost}$). The actual payment amount would be determined 60 days prior to the issuance of a grading permit based upon the general land values at that time.

-or-

- b. Acquisition or dedication in fee title or conservation easement of 9.0 acres of off-site coastal sage scrub habitat for permanent preservation, such as other General Dynamics properties in the

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San Diego area.

54. Two alternatives exist for compensatory vernal pool mitigation: on-site preservation and enhancement of the vernal pools in the 4.3-acre vernal pool preserve established in the Southern Section, and/or off-site mitigation through the preservation of off-site habitat.
- a. Prior to issuance of a grading permit for Planning Areas 5A, 6A, or 6C containing vernal pools, the following conditions shall be met to the satisfaction of the City Manager:
- i. Preservation of 0.4 acre of high quality vernal pool habitat within the 4.3-acre vernal pool preserve, including the elimination of Electronics Way contiguous to the habitat. A conservation easement or property title shall be given to the City or a mutually agreed upon third party for the 0.4 acre of vernal pool habitat.
 - ii. Creation of (at a minimum) 1,500 square feet of new vernal pool basin area, within portions of the vernal pool preserve. The new basin area shall be inoculated with San Diego mesa mint, San Diego button-celery, and San Diego fairy shrimp, and monitored for five years. A plan identifying the location, methodology, and success criteria will be submitted for approval by the City of San Diego, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service. The created habitat and the vernal pool preserve shall be subject to a conservation easement, or deeded in fee to the City, or mutually agreed upon third party. (Note: creation of 1,500 square feet of vernal pool basin area will increase the total area of vernal pool habitat within the conservation bank from 17,461 to 18,961 square feet.)
 - iii. Enhancement of existing vernal pool habitat through removal of various types of trash and debris from the vernal pool preserve area including a number of vernal pool basins.
 - iv. Permanent protection through installation of exclusion fencing along with planting of a native plant buffer to prevent damage to the vernal pool ecosystem (including watershed areas) from incursion by vehicles or foot traffic.
 - v. Preparation of a Management and Reporting Program, including the identification of a long-term management entity.

-or-

- b. Prior to issuance of a grading permit on Planning Areas 5A, 6A, or 6C containing vernal pools, the following conditions shall be met to the satisfaction of the City Manager:
- i. The habitat identified off-site must be superior to that present within the Southern Section. Among other factors which may be considered would be the presence of greater numbers of vernal pool indicator species, other sensitive species, and/or endangered species.
 - ii. The approximate 496 square feet of vernal pool basin which supports San Diego mesa mint shall be mitigated at a 4:1 ratio (e.g., approximately 1,984 square feet of vernal pool basin) and can only be mitigated with vernal pool habitat which contains San Diego mesa mint. In the event no such pools can be identified within the MSCP planning area, the property owner shall be required to mitigate impacts to the endangered species pools in accordance with the on-site mitigation program described above.
 - iii. All remaining vernal pool basins within the Eastern Section (totaling approximately 8,395 square feet) shall be mitigated off-site at a ratio of 2:1, resulting in an aggregate off-site mitigation requirement of approximately 16,790 square feet of vernal pool basin within the MSCP planning area. In the event off-site vernal pools meeting the criteria set forth in this mitigation program and totaling the aggregate square footage required to be mitigated cannot be located, any remaining mitigation requirements must be satisfied through the on-site mitigation program described above.
 - iv. In addition to preserving the vernal pool basins, a sufficient amount of watershed must be preserved in order to maintain the viability of the targeted vernal pools and the City and resource agencies must otherwise be satisfied that these off-site mitigation parcels are capable of being preserved and managed in the long term.
 - v. For each square foot of vernal pool basin within the Eastern Section lost as a result of development, at least 1-square-foot of the off-site basin area described in measures b. and c. above must be restored or enhanced pursuant to a vernal pool enhancement plan approved by the City and the

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resource agencies.

- vi. Preparation of a Management and Reporting Program, including identification of a long-term management entity.

55. Prior to issuance of a grading permit for Planning Area 6A, a restoration plan containing the following elements shall be approved by the City and the resource agencies:
- a. Areas of impacted basins supporting San Diego mesa mint shall be salvaged by removing approximately 2 to 3 centimeters of topsoil and aboveground biomass for translocation to created pools in the conservation bank area. For Basin S8, fairy shrimp inoculum shall be collected prior to collection of San Diego mesa mint inoculum;
 - b. The soil and plant material shall be stored in cardboard boxes in a cool dry place until compensatory vernal pool basins are created in the Southern Section vernal pool preserve. Vernal pool creation shall be conducted between July 1 and November 1 in order to avoid the rainy season;
 - c. Inoculum from the affected pools shall be distributed to the created basins. In addition, inoculum from existing pools in the Southern Section, supporting San Diego mesa mint, shall be collected by a biologist approved by USFWS (no more than 2 percent from any basin) and distributed in the created basins. Collection shall be conducted between September 1 and November 1 and all inoculum shall be distributed to the created basins between October 1 and November 1.
56. Prior to issuance of a grading permit for Planning Areas 5A and 6A, a restoration plan containing the following elements shall be approved by the resource agencies. Fairy shrimp inoculum for each created vernal pool basin shall be obtained from vernal pool basins S6, S7, and S8 (see Mitigation Measure 9a above) prior to grading. Inoculum shall be collected between July 1 and November 1 by collecting chunks of soil approximately 3 to 4 inches across and approximately 3 inches in depth. Inoculum shall be collected by individuals familiar with the ecology of fairy shrimp and shall generally be collected from the center of the basins. Inoculum shall be placed in the created basins between October 1 and November 1.
57. Prior to issuance of a grading permit for Planning Areas 5A, 6A or 6C, the subdivider shall:

- a. Provide the City Manager with a copy of a Conservation Bank Agreement with respect to the Southern Section, duly executed by the resource agencies and the developer or other evidence of compliance with the requirements of the federal and State Endangered Species Act and Section 404 of the Clean Water Act, as satisfactory to the Development Services Business Center
- b. Provide the City Manager with either: (1) reasonable evidence that conservation credits from the vernal pool preserve have been applied to offset impacts to the Eastern Section at the mitigation ratios described above, or (2) reasonable evidence that the resource agencies have accepted off-site mitigation for the loss of vernal pools, San Diego mesa mint and San Diego fairy shrimp habitat as provided above, or (3) reasonable evidence that a combination of (1) and (2) have occurred such that all vernal pool basins within the Eastern Section have been fully mitigated through application of credits from the vernal pool preserve and preservation of off-site vernal pool basins meeting the mitigation criteria set forth herein.

58. Prior to the issuance of grading permits, the following note shall be shown on grading plans to the satisfaction of the City Manager:

- a. Wherever possible, noise-generating construction equipment shall be shielded from nearby businesses by noise-attenuating buffers such as temporary fencing or structures:
- b. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise.

59. Prior to issuance of a grading permit, the subdivider shall submit a soils report with each grading plan to determine the locations of Lindavista and/or Friars Formations on-site. If the soils report identifies the presence of these formations and the grading plan shows cutting where they are located, the applicant shall retain a qualified paleontologist to implement a monitoring program with the provisions specified below.

- a. The subdivider shall provide verification that a qualified paleontologist and/or paleontological monitor has been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the City Manager. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology, and 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 pre-construction meeting.

- b. The qualified paleontologist shall attend any pre-construction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans.
- c. The paleontologist or paleontological monitor shall be on-site half-time during the original cutting of previously undisturbed sediments of the Lindavista Formation and on-site full-time during the original cutting of the Friars Formation to perform periodic inspections of excavations, and, if necessary, to salvage exposed fossils. The frequency of inspections will be determined by the paleontological monitor and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- d. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. At the time of discovery, the paleontologist shall immediately notify EAS staff of such finding. EAS shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- e. All collected fossil remains shall be cleaned, sorted, and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).
- f. Mitigation Monitoring and Reporting Program requires that a monitoring results report shall be submitted to the City Manager prior to issuance of building permits. The monitoring results report, with appropriate graphics, shall summarize the results, analysis, and conclusions of the paleontological monitoring program, even if negative.

60. Prior to recordation of the first Final Map, a final drainage plan for the proposed project shall be submitted to the City Engineer demonstrating that analytical assumptions in the December 1996 drainage study are still valid and that post-development runoff rates are consistent with existing

levels. Site design shall incorporate on-site detention concepts to ensure that post-development stormwater discharges will not exceed existing levels.

61. 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.
62. 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.

FOR INFORMATION:

- This development may be subject to impact fees, as established by the City Council and per the Development Agreement.
- 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.