

RESOLUTION NUMBER R-293133

ADOPTED ON MAY 16, 2000

WHEREAS, Black Mountain Ranch Limited Partnership, Applicant, and Rick Engineering Company, Engineer, submitted by an application to The City of San Diego for a 239-lot for Vesting Tentative Map No. 99-1161 for the South Village at Black Mountain Ranch project, located south of San Dieguito Road on the west side of Camino Ruiz, and legally described as Parcels 2 and 5 of Parcel Map No. 17996, Black Mountain Ranch Subarea Plan area, in the A-1-10,000 zone (proposed R-2000, R-3000, and CN zones); and

WHEREAS, on March 30, 2000, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 99-1161, and pursuant to Resolution No. 2944-3-PC, voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on May 16, 2000, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Vesting Tentative Map No. 99-1161:

1. The map proposes the subdivision of a 61.87-acre site into 239 lots for residential and commercial development (196 single family, 4 apartment, 22 mixed use, 2 neighborhood commercial, and 15 property owners association). This type of development is consistent with the General Plan, the North City Future Urbanizing Area Framework Plan, and the Black Mountain Ranch Subarea I Plan, which designate the area for residential and commercial use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the R-2000, R-3000, CN 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 Planned Commercial Development/Planned Residential Development [PCD/PRD] Permit No. 99-1161.
  - b. All lots meet the minimum dimension requirements of the R-2000, R-3000, CN zones, as allowed under PCD/PRD Permit No. 99-1161.
  - 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 PCD/PRD Permit No. 99-1161.
  - d. Development of the site is controlled by PCD/PRD Permit No. 99-1161.
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 Black Mountain Ranch Subarea I Plan, which provides for residential and commercial uses.
  6. 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 Addendum No. 99-1161 to Environmental Impact Report No. 96-7902, 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 inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.
  8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.
  9. The 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 Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 99-1161 is hereby granted to Black Mountain Ranch Limited Partnership, Applicant, and Rick Engineering Company, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

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Or.Dept:Clerk  
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Reviewed by Mike Westlake

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 99-1161  
ADOPTED BY RESOLUTION NO. R-293133 ON MAY 16, 2000

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. Should the rezone be denied this 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. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within 90 days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final map shall conform to the provisions of PCD/PRD Permit No. 99-1161.
5. Road Survey's No. 3, 57, 80, 124, and 133 were conditionally vacated pursuant to City Council Resolution No. R-286504 approved October 31, 1995.
6. 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. 769830.

7. "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).
8. "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."
9. Every final map shall:

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- 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.
10. 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 U.S.C. section 1531 et seq.).
11. 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. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
12. The subdivider is permitted to file up to 10 final maps. 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.
13. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
14. 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

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- "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code section 62.0415 et seq.
15. Undergrounding of all existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, Subsection 2.
  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. Providing access for this development is dependent upon the prior construction of certain streets in the previously approved Tentative Map No. 95-0173. If those certain streets have not been constructed when required for this development, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site improvement requirements for this development
  18. Camino Ruiz is classified as a modified four-lane major. The subdivider will be required to dedicate a 122-foot-wide right-of-way, provide 64 feet of pavement with a 38-foot-wide raised median, curb, gutter, and a 5 foot wide sidewalk within a 10-foot curb to property-line distance.
  19. Streets "E", "KK", "LL", and "MM" 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 a 5 foot contiguous sidewalk within a 10-foot curb-to-property-line distance.
  20. Streets "A" and "N" are classified as modified two lane collectors. The subdivider shall dedicate a 92-foot-wide right-of-way, provide 44 feet of pavement with a 14-foot wide raised median, curb, gutter, and a minimum five foot wide sidewalk within a 17-foot curb-to-property-line distance.
  21. Street "H" is classified as a modified four lane collector. The subdivider shall dedicate a 92-foot-wide right-of-way, provide 52 feet of pavement with a 14-foot wide raised median, curb, gutter, and a minimum five foot wide sidewalk within a 13-foot curb-to-property-line distance.

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22. Portions of Street "B" (between Streets "A" and "G" and between Streets "J" and "N"), Street "C" (between Streets "A" and "G" and between Streets "J" and "N"), Street "G" (between Streets "C" and "KK"), and "J" (between Streets "C" and "KK"), and all of Streets "D", "E", "F", "I", "K", "L", and "M" are classified as residential local streets. The subdivider shall dedicate a 54-foot right-of-way and provide 34 feet of pavement, curb, gutter, and a 5 foot wide sidewalk within a 10-foot curb-to-property line distance. The subdivider shall provide a 5-foot-wide General Utility Easement adjacent to the right-of-way at all locations where a non-contiguous sidewalk is proposed. The General Utility Easement area shall be graded with a 2% fall toward the curb.
23. Portions of Street "B" (between Streets "G" and "J"), Street "C" (between Streets "G" and "J"), Street "G" (between Streets "B" and "C"), and Street "J" (between Streets "B" and "C") are classified as two lane collector streets. The subdivider shall dedicate a 60-foot wide right-of-way and shall provide 40 feet of pavement, curb, gutter, and a 5-foot-wide sidewalk within a 10-foot-wide curb-to-property line distance. The subdivider shall provide a 5-foot-wide General Utility Easement adjacent to the right-of-way at all locations where a non-contiguous sidewalk is proposed.
24. The subdivider shall dedicate 20-foot-wide rights-of-way for alley "P", "Q", "R", and "S". They shall be constructed per City Standard Drawings G-17, G-21, and SDG-100.
25. Alleys "O" and "T" are private alleys and shall be constructed per City Standard Drawings G-17, G-21, and SDG-100.
26. All curb return radius' shall be per City of San Diego Street Design Manual Standards.
27. The subdivider shall provide adequate sight distance at all intersections, satisfactory to the City Engineer.
28. The project shall conform to the Transportation Phasing Plan for Subarea I/Black Mountain Ranch in the Public Facilities Financing Plan dated September 1998.
29. The applicant shall construct traffic signals at the intersection of Street "E", Street "H" and Street "MM" with Camino Ruiz, satisfactory to the City Engineer.
30. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within the City right-of-

way, consistent with Exhibit "A", adjacent to and within this subdivision, until such time a landscape maintenance district or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

31. Driveways shall have a minimum of 20 feet from the garage to the right-of-way to provide for parking for standard size vehicles without encroaching into the sidewalk area (distance may be reduced to 18 feet with roll-up garage doors).
32. The subdivider shall provide pedestrian ramps at all street intersections.
33. All walls and their footings shall be located outside of the City right-of-way.
34. 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.

35. The drainage system proposed for this development is subject to approval by the City Engineer. All drainage systems not located within a public street shall be private and maintained by the Home Owners Association and/or the property owner.
36. The subdivider shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with Sections 62.0401 - 62.0423 of the San Diego Municipal Code in a manner satisfactory to the City Engineer.

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37. The permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as applicable, consistent with the Black Mountain Ranch Subarea 1 Environmental Impact Report (LDR No. 96-7902), satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP (Addendum LDR No. 99-1161) shall be implemented for the following areas: Hydrology/water quality; Paleontological resources.
38. The subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and median (if applicable) improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Technical Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, on file in the Office of Planning and Development Review. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
39. The Affordable Housing Requirements of PCD/PRD Permit No. 99-1161 on file with the Office of Planning and Development Review, are hereby incorporated by reference into this tentative map. The subdivider shall comply with the affordable housing element of the Black Mountain Ranch Subarea Plan. Prior to the recordation of the final map, the subdivider shall enter into an agreement with the Executive Director of the Housing Authority of the City of San Diego, or designee and the City Manager of the City of San Diego, or designee.
40. Water Requirements:
  - a. Prior to the approval of any public improvement drawings including grading plans, the subdivider shall provide a water study satisfactory to the Water Department Director. The study shall plan the pressure zone(s) and water facilities necessary to serve this development including redundancy and easements, consistent with the Black Mountain Ranch Water Study.
  - b. The subdivider shall install all water facilities as required in the accepted water studies, necessary to serve this development in a manner satisfactory to the Water Department Director and the City Engineer. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies.

- 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 or thirty (30) dwelling units are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Water Department Director.
- d. The subdivider shall only install water services and meter boxes in public rights-of-way exceeding 30-feet-wide. Clustered lots and lots adjacent to alleys shall have encroachment water services.
- e. The subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides.
- f. The subdivider shall grant adequate water, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director. Minimum easement widths for water mains with services or fire hydrants - 30 feet wide with 24 feet fully paved. The easements shall be located within single lots. No structures or landscaping shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any easement utilized for vehicular access.
- g. The subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot will have its own water service or provide CC&Rs for the operation and maintenance of on-site private water facilities that serve more than one lot.
- h. If on site water facilities are to be public and if it is a gated community, then the Water Operations Division shall have keyed access satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
- i. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved VTM 95-0173. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water

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facilities, as required by the City Engineer, will become off-site improvements required for this development.

41. Sewer Requirements:

- a. The subdivider agrees to design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the "City of San Diego Water & Sewer Design Guide.
- b. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Director, for the sizing, grade and alignment of the public gravity sewer main and show that existing and proposed public sewer facilities will provide adequate capacity and cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- c. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own water service or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one lot.
- d. Providing sewer for this development is dependant upon certain sewer facilities in previously approved VTM 95-0173. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.

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

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Planning 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.

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43. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Land Development Review Division of the Planning and Development Review Department, for each final map processed in connection with this vesting tentative map.

FOR INFORMATION:

- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- This 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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