

RESOLUTION NUMBER R-295403

ADOPTED ON AUGUST 7, 2001

WHEREAS, Sycamore Estates LLC, Applicant, and RBF Consulting, Engineer, submitted by an application to the City of San Diego for a 631-lot vesting tentative map (Vesting Tentative Map No. 99-0899 for the Sycamore Estates project), located east of Pomerado Road and south of Beeler Canyon Road, and legally described as Portions of Section 25, Township 14 South, Range 2 West, and Sections 19, 20, 21, 22, 28, 29, and 30, Township 14 South, Range 1 West, San Bernardino Meridian, being lands described in Civil Case No. 162 recorded April 16, 1942 in Book 1342, Page 14, O.R., in the City's Future Urbanizing Area, in the IL-3-1 AND IH-2-1 zones (previously referred to as the A-1-5, M1-A and M2-A zones) which is proposed to be rezoned to the AR-1-1 zone (previously referred to as the A-1-10 zone); and

WHEREAS, on July 19, 2001, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 99-0899, and pursuant to Resolution No. 3161-6-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on August 7, 2001, 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 it adopts the following findings with respect to Vesting Tentative Map No. 99-0899:

1. The map proposes the subdivision of a 2,132-acre site into 631 lots for residential development (551 residential, 1 multi-family, 1 school site, 1 neighborhood park, 1 reservoir, 2 pump stations, 2 institutional sites, 61 HOA-maintained open space, 11 MHPA open space). This type of development is consistent with the City of San Diego's Progress Guide and General Plan

and the City Future Urbanizing Area which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the AR-1-1 zone (previously referred to as the A-1-10 zone) 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 Planned Residential Development/Resource Protection Ordinance [PRD/RPO] permit.

b. All lots meet the minimum dimension requirements of the AR-1-1 zone (previously referred to as the A-1-10 zone), as allowed under a PRD/RPO 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 PRD/RPO permit.

d. Development of the site is controlled by PRD/RPO Permit No. 99-0899.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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 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 uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Report No. 99-1094, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

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

10. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

11. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.

12. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code section 101.0404 and Council Policy No. 600-25.

13. The requested waiver qualifies under the guidelines of Council Policy No. 600-25 in that: The facility to be converted is underbuilt on a 69KV or larger facility (which is not to be undergrounded) and does not require a substantial number of poles to support solely the facilities requested to be waived.

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


BE IT FURTHER RESOLVED, that pursuant to (Old Code) Municipal Code section 102.0307 (Land Development Code section 125.0403) and California Government Code section 66434(g), portions of Beeler Canyon Road, part of the Sycamore Estates project, located within the project boundaries as shown in Vesting Tentative Map No. 99-0899, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained with conditions, and Vesting Tentative Map No. 99-0899 is granted to Sycamore Estates LLC, subject to the conditions attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the subdivider shall enter into an agreement acceptable to the City Manager, and the City Manager is authorized to execute on behalf of the City of San Diego, an agreement for the acquisition, design and construction of a 6-acre neighborhood park on Lot 559, as described in the "Rancho Encantada/Scripps Ranch Big 5 Group" Agreement, which is attached as Exhibit F to the Agreement Regarding Substitution of Extraordinary Benefits, Expansion of Mission Trails Park and Satisfaction of Development Agreement Requirements between the City of San Diego and Sycamore Estates, filed in the office of the City Clerk as Document No. OO- 18974.

BE IT FURTHER RESOLVED, that the maintenance of the 6-acre park on Lot 559 shall be the responsibility of a Maintenance Assessment District [MAD]; however, prior to creation of the MAD, the Developer shall enter into a Landscape Maintenance Agreement with the City for maintenance of this area until the MAD is created.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
10/30/01
11/05/01 COR.COPY
Or.Dept:Clerk
R-2002-424
Form=tmr-residential.frm
Reviewed by Mike Westlake

R-295403

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 99-0899
SYCAMORE ESTATES
ADOPTED BY RESOLUTION NO. R-295403 ON AUGUST 7, 2001

1. This tentative map will become effective on the effective date of the associated rezone and expire three years thereafter. Should the rezone be denied 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 which creates a residential lot, 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 Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-0899.
5. 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.

6. "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).
7. "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."
8. 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.
9. 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.).
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. 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.
11. The subdivider is permitted to file up to 15 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.
12. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
13. The subdivider must provide a geologic reconnaissance report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code [SDMC] section 62.0415 et seq.
14. Prior to the issuance of any grading permits, the subdivider shall deposit \$7,200 with the Environmental Analysis Section of the Development Services Department to cover the City's costs associated with ensuring the implementation of the Mitigation, Monitoring, and Reporting Program.
15. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program MMRP for the Sycamore Estates sub-project specified in the Rancho Encantada

Environmental Impact Report (LDR No. 99-1094) to the satisfaction of the Environmental Review Manager and/or the City Engineer in the following issue areas: Landform/Visual Quality, Biological Resources, Geology/Soils, Hydrology/Water Quality, Transportation, Noise, Air Quality, Cultural Resources, Paleontological Resources, Public Services, Public Safety, and Water Conservation.

16. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.
17. Undergrounding of existing and proposed public utility systems and service facilities is required according to the SDMC.

The subdivider is not required to underground the 12 KV line that is underbuilt on the north south line. The subdivider is required to underground the 12 KV line that runs east/west on the south side of Beeler Canyon Road.

18. 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.
19. A portion of Street A is City owned property. The subdivider shall dedicate right-of-way at the fair market value as determined by Real Estate Assets Department.
20. The approval of fences, monuments, walls, trees and private facilities within the public right-of-way and general utility easements will be determined at final engineering with input from the various review disciplines.
21. The subdivider shall provide a minimum of 204 parking spaces for the proposed 106 unit multi-family development site.
22. Providing streets for this subdivision is dependent upon the prior construction of certain streets in previously approved developments in this area. If they have not been constructed when required for this subdivision, 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 subdivision.

23. The A.C. pavement and base for all public streets shall be in accordance with schedule "J" per City Standard Drawing SDG-113. All public improvements within the City right-of-way shall be per City standards.
24. The subdivider shall provide adequate sight distance at all street intersections specifically but not limited to Street B/Court D, Street B/Court I, Street A/B and for the driveway on Street A for Lot 552. The subdivider shall provide sight visibility easements as required. No trees, slopes, landscape or any other object that would prohibit visibility will be permitted within the easement area.
25. Street "A" from the westerly boundary to Street "B" is classified as a modified two-lane collector street (no fronting property). The subdivider shall dedicate a 68 foot right-of-way and shall provide 40 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 10 foot curb to property line distance, on the south side and an 8 foot pedestrian path within a 18 foot curb to property line distance on the north side, satisfactory to the City Engineer. Additional widening to 50 feet pavement within a 78 foot right-of-way is required at intersections, with transitions to the satisfaction of the City Engineer.
26. Street "A" from Street "B" to Street "Q" is classified as a modified two-lane collector street. The subdivider shall dedicate a 72 foot of right-of-way and shall provide 44 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 14 foot curb to property line distance, satisfactory to the City Engineer. Additional widening to 54 feet of pavement within a 82 foot of right-of-way is required at intersections with transitions, to the satisfaction of the City Engineer.
27. Street "A" from Street "Q" to the easterly terminus is classified as a modified two-lane sub-collector street. The subdivider shall dedicate a 64 foot right-of-way and shall provide 36 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 10 foot curb to property line distance, satisfactory to the City Engineer.
28. Street "B" is classified as a modified two-lane sub-collector street. The subdivider shall dedicate a 64 foot right-of-way and shall provide 36 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 14 foot curb to property line distance, satisfactory to the City Engineer.
29. Beeler Canyon Road is classified as a modified two-lane rural local street. The subdivider shall dedicate 50 feet of right-of-way and shall provide 24 feet of pavement, a 3 foot shoulder and 10 feet from the shoulder to the property line, satisfactory to the City Engineer.

- The subdivider shall take boring samples of the existing portion of Beeler Canyon Road. If the structural section of the road is not per current City Standards, the subdivider shall upgrade the pavement section, satisfactory to the City Engineer.
30. The remainder streets, Street "C" through Street "NN" are classified as modified two-lane residential local streets. The subdivider shall dedicate 62 foot rights-of-way and shall provide 34 feet of pavement, curb, gutter and a 4 foot pedestrian path within a 14 foot curb to property line distance, satisfactory to the City Engineer.
 31. The subdivider shall construct a standard cul-de-sac at Beeler Canyon Road and Street "B." The subdivider shall dedicate a 60 foot right-of-way radius with a 50 foot curb radius and provide pavement, curb and gutter within a 10 foot curb to property line distance, satisfactory to the City Engineer.
 32. The subdivider shall construct Pomerado Road from Spring Canyon Road to north of Legacy Road as a modified four lane major street with appropriate transition, satisfactory to the City Engineer.
 33. Prior to the recordation of the first final map, the subdivider shall assure the construction of traffic signals at the following locations:
 - a. Ranch Encantada Parkway and Pomerado Road.
 - b. Pomerado Road and Stonemill Drive.
 - c. Spring Canyon Road and Spruce Run Drive.
 - d. Spring Canyon and Sunset Ridge Drive.
 - e. Spring Canyon and Semillon Boulevard.
 - f. Spring Canyon and Scripps Creek Drive.
 34. Prior to the recordation of the first final map, the subdivider shall assure the construction of a traffic signal interconnect system on Spring Canyon Road between Scripps Ranch Boulevard and Pomerado Road, satisfactory to the City Engineer.
 35. Prior to the recordation of the first final map, the subdivider shall assure by permit and bond the construction of a northbound right-turn lane and a southbound left turn lane at the intersection of Rancho Encantada Parkway and Pomerado Road, satisfactory to the City Engineer.
 36. Prior to the recordation of the first final map, the subdivider shall assure the construction of an additional northbound left-turn lane and an additional westbound left-turn lane at the intersection of Scripps Poway Parkway and Pomerado Road, satisfactory to the City Engineer.

37. Prior to the recordation of the first final map, the subdivider shall assure the construction of an additional lane for the northbound off-ramp at I-15 and Pomerado Road, satisfactory to the City Engineer.
38. Prior to the recordation of the first final map, the subdivider shall assure by permit and bond the construction of an additional lane along Pomerado Road between US Navy/Marine Reserve driveway and USIU secondary driveway to improve the eastbound merging for the I-15 northbound off-ramp, satisfactory to the City Engineer.
39. Prior to the recordation of the first final map, and as an alternative to assuring the construction of a High Occupancy Vehicle Lane (HOV) at I-15 and Pomerado Road westbound to southbound on-ramp, the subdivider shall contribute an equivalent cost (estimated as \$500,000.00) of the proposed on-ramp widening to the improvement program proposed by Caltrans, specifically the southbound auxiliary lane on I-15 from Mira Mesa Boulevard to Miramar Way, satisfactory to the City Engineer.
40. Prior to the recordation of the first final map, the subdivider shall assure the construction of median improvements at the intersection of Spring Canyon Road with Semillon Boulevard, Sunset Ridge Drive, Scripps Creek Drive, Spruce Run Drive, Blue Cypress and other locations along Spring Canyon Road as needed to reduce cut-thru traffic on local collector street in the Scripps Miramar Ranch Community, satisfactory to the City Engineer.
41. Water Requirements:
 - a. Prior to the approval of any public improvement drawings, the subdivider shall provide an acceptable water study satisfactory to the Water Department Director. The study shall plan the pressure zone(s) and water facilities necessary to serve this development. The study shall include a phasing plan consistent with the proposed phasing of construction and indicating how redundancy will be maintained.
 - b. Prior to the approval of any public improvement drawings, the subdivider shall provide any necessary special design reports for proposed water pump stations or storage facilities in a manner satisfactory to the Water Department Director.
 - c. The subdivider shall design and construct all public water facilities as required in the accepted water study and reports, necessary to serve this development and extending to the subdivision boundary 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.

- d. If the Scripps Poway Parkway Pump Station (SPPPS) has not been assured, by permit and bond, then the subdivider shall construct the SPPPS in accordance with the approved SPPPS public improvement plans in a manner satisfactory to the Water Department Director and the City Engineer.
- e. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director 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.
- f. All water facilities within Lot 552 shall be private including any necessary fire hydrants.
- g. The subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or redesigned.
- h. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director. Easements shall be located within single lots, when possible, and not split longitudinally. Vehicular access roadbeds shall be a minimum of 20-feet wide and surfaced with suitable approved material satisfactory to the Water Department Director and the City Engineer.
- i. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 15 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs/rolled curbs shall have protective posts per SDW-102. Easements, as shown on the approved tentative map, will require modification based on standards and final engineering.
- j. The subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures,

enhanced paving, or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

- k. If any portion of the subdivision will have gated access, then the subdivider shall provide keyed access to the Water Operations Division in a manner 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.
- l. 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 or traverse more than one lot. Public school and park sites shall be served by public water systems.
- m. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

42. Sewer Requirements:

- a. A gravity sewer system through the City of Poway shall be required to serve the proposed development unless it is determined to be infeasible by the City Manager of the City of San Diego.
- b. Prior to the submittal of any public improvement drawings, including grading plans, the developer shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of proposed public gravity sewer mains (and private gravity sewer mains serving more than one lot) and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies and adjacent areas that cannot gravity sewer to an existing sewer system.
- c. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.

- d. The subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
- e. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes - 20 feet. The easements shall be located within single lots. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 foot wide and paved full width. An additional 5 feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than 10 feet deep, two feet of additional easement width for each foot of depth over 10 feet shall be required.
- f. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- g. The subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway or easement.
- h. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- i. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the area. If they 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.
- j. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.

- k. For public on-site sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
43. The drainage system proposed for this subdivision is subject to approval by the City Engineer. All drainage systems not located within a public street shall be private and maintained by the property owner/HOA. All low flow drainage systems in public streets shall be privately maintained.
44. 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.
45. 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.
46. The subdivider shall enter into an agreement acceptable to the City Manager for the acquisition, design and construction of a neighborhood park. This agreement shall address all the following issues prior to submittal of the first final map for any development of this project.
 - a. Land Acquisition:

The subdivider shall enter into a two year option agreement to reserve Lot 554 of the Sycamore Estates as a 4.00 useable acre site, as required under the State of California Subdivision Map Act, Section 66479 et seq., and the SDMC for a neighborhood park. Provisions of that act require that the subdivider shall, at the

time of recordation of the first final map of any unit within this development, enter into an agreement for the City to acquire the park site within two years after the completion and acceptance of all subdivision improvements, unless such period of time is extended by mutual agreement.

The purchase price shall be the fair market value of raw unsubdivided land thereof at the time of the submittal of the first substantially complete tentative map, October 1999, plus the taxes against said reserved area from the date of recordation of the final map containing the park site, and any other costs incurred by the subdivider in the maintenance of said reserved areas, including interest costs incurred on any loan covering such reserved area as a portion of a larger 2,132 acre site. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.

b. Grading of Site and Adjacent Public Improvements:

The subdivider shall rough grade the park site, Lot 554, to a minimum 4.0 useable acre site containing a maximum 2% slope acceptable to the Park and Recreation Department and construct the adjacent contiguous local street improvements including storm, sewer, water, paving and stub-outs for same serving the park site. Developer shall define the amount, costs, for the work done on and adjacent to the future park site excluding sewer, water and storm sewers located within the proposed easement on the lot, prior to the recordation of any final map within the subdivision. Developer shall enter into an agreement, acceptable to the Facility Financing Section, for compensation of these costs. Costs of grading shall be based on the pro-rata share of the entire cost of the grading as would be assumed for a 4.0 acre lot within the 2,132 acre project.

c. Appraisal:

The subdivider shall hire an appraiser, acceptable to the Real Estate Asset Director, for the purpose of valuation of the population based park acreage located within this subdivision and identified as Lot 554. Said valuation shall be based on all applicable City, County, State or Federal Codes to said purchase. The park shall be valued, as noted above in "A", as a 4.0 acre portion of the entire project site. The date of valuation, October 1999, is established as that date the substantially complete tentative map for Sycamore Estates was first submitted for acceptance to the City of San Diego Planning and Development Review Department. Said appraisal shall be approved by all parties prior to the filing of the first final map of any unit within this subdivision.

If the valuation of said property is in disagreement, the City shall hire an independent appraiser of their own. If the two appraisals can be satisfied by the two parties, in accordance to normal City practices, a resolution of land value will be accepted. Failure of the two parties to agree to an acceptable land cost will require a third appraiser, acceptable to both parties, to mediate the difference. Failure of the two parties to agree on a third appraiser will require that the land value be established by judgement of the Superior Court.

d. Relocation:

The subdivider shall agree that the relocation of the said park property, due to unforeseen conditions, shall not increase the value of said property from the original appraised per acre value. Relocation may require a change in acreage due to City Standards for reduction of useable acreage if adjacent to an elementary school.

e. Design and Construct Park:

The subdivider shall design and construct the neighborhood park in its entirety. The developer shall hire a consultant, acceptable to the Park and Recreation Department, to prepare construction documents including a General Development Plan, GDP, for the Neighborhood Park. A separate reimbursement agreement, acceptable to the Facility Financing Section, will be required.

f. Facility Financing Agreements:

The subdivider shall enter into an agreement or agreements which will provide for the acquisition, rough grading and adjacent public improvements, and the design and construction of the park. Said agreement(s) shall be approved prior to the recordation of the first final map of any unit within this subdivision. Developer shall be open to the suggestion of a reimbursement of park costs at a date later than end of construction of the subdivision.

47. The subdivider shall also enter into an agreement acceptable to the City Manager for the acquisition, design and construction of a 6-acre neighborhood park on Lot 559, as described in the agreement between community groups and Sycamore Estates which is attached as Exhibit F to the Agreement Regarding Substitution of Extraordinary Benefits, Expansion of Mission Trails Park and Satisfaction of Development Agreement Requirements between the City of San Diego and Sycamore Estates. Maintenance of this 6-acre park shall be the responsibility of a Maintenance Assessment District [MAD]; however, prior to creation of the MAD, the Developer shall enter into a Landscape

Maintenance Agreement with the City for maintenance of this area until the MAD is created.

48. Prior to the recordation of the (parcel/final map), 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 Standards and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," dated August 7, 2001, Landscape Concept Plan, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
49. Prior to the recordation of the (parcel/final map), the Permittee or subsequent Owner/Developer shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," dated August 7, 2001, on file in the Development Services Department. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the (parcel/final map).
50. Prior to recordation of the (parcel/final map), the Permittee or subsequent Owner/Developer shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," dated August 7, 2001, on file in the Development Services Department. These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."
51. The Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.
52. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A," dated August 7, 2001, on file in the Development Services Department and shall comply with the Uniform Fire Code (SDMC § 55.0889.0201), the alternative compliance provision of Section Six of the Landscape Technical Manual (document number RR-274506) on file at the Office of the City Clerk and SDMC section 142.9412 (Ordinance

No. O-18451). Natural slope restoration plans have been modified to exclude supplemental irrigation.

53. The construction documents shall conform to the Architectural Features as described in Section 6.6-2 of the Landscape Technical Manual.
54. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager.
55. The Modified Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows :

<u>Zone One</u>	<u>Zone Two</u>
35'	50'

56. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risks still exist.
57. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."
58. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.
59. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.
60. The excess portion of Beeler Canyon Road right-of-way shall be vacated in accordance with the Subdivision Map Act.
61. The Affordable Housing Requirements of PRD No. 99-0899 on file with the Development Services Department are hereby incorporated by reference into this tentative

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map. The subdivider shall comply with the Future Urbanizing Area (FUA) Planned Residential Development requirements for Affordable Housing. Prior to the recordation of the first 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. The Affordable Housing Requirements are more thoroughly described within conditions of the accompanying PRD No. 99-0899, such permit becoming utilized upon recordation of this Vesting Tentative Map.

62. This subdivision is in a precise plan area designated in the General Plan as Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.
63. 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 Director of the Development Services Department. 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.
64. 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.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with SDMC section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with SDMC section 96.0401 et seq.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
- This vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.