

RESOLUTION NUMBER R-297090

ADOPTED ON SEPTEMBER 24, 2002

WHEREAS, Del Mar Land Management, Applicant, and Partners Planning and Engineering, Engineer, submitted by an application to the City of San Diego for a 99-lot vesting tentative map (Vesting Tentative Map No. 7439 for the Fairbanks Country Villas project) and the vacation of certain streets and easements, located west of Camino Ruiz, south of Carmel Valley Road and north of Torrey Meadows Drive, and legally described as Parcel 3 of Parcel Map 6902, Parcel 2 of Parcel Map 8133, and Parcel 2 of Parcel Map 14768, in the Torrey Highlands Subarea IV Plan area, in the A-1-10 zone which is proposed to be rezoned to the RS-1-1400 and OC-1-1 zones; and

WHEREAS, on August 8, 2002, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 7439, and pursuant to Resolution No. 3297-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on September 24, 2002, 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. 7439:

1. The map proposes the subdivision of a 92.72-acre site into ninety-nine lots (seventy-nine single family, six lots for affordable housing, two private driveways, three view lots, five Home Owners Association/Building Restricted Easement, two park lots, one open space and one State Route [SR] 56) for residential development. This type of development is consistent with the General Plan and the Torrey Highlands Subarea IV 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/development regulations of the RS-1-14 and OC-1-1 zones in that:

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 [PRD]/Resource Protection Ordinance [RPO] Permit.

- a. All lots meet the minimum dimension requirements of the RS-1-14 zone, as allowed under PRD/RPO No. 99-0329.
 - b. 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 PRD/RPO No. 99-0329.
 - c. Development of the site is controlled by PRD/RPO Permit No. 99-0329.
1. 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.
 2. 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.
 3. The site is physically suitable for the proposed density of development. This is consistent with the Community Plan, which provides for residential uses.
 4. The design of the subdivision or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 99-0329, which is included herein by this reference.
 5. 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.
 6. 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.

7. The Planning Commission has reviewed the adopted Housing Element, the Progress Guide, and the 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.
8. The property contains right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code.

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 California Government Code section 664134(g),

- 20' wide ± traveled way known as Black Mountain Road; and
- Irrevocable Offer of Dedication per Doc. No. 84-393883 recorded 10-18-1984; and
- 50' wide sewer easement per PM 14768; and
- 40' wide water easement per File No. 208450 recorded 08-08-1972; and
- 30' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 60' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 70' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 50' wide slope easement per File No. 208450 recorded 08-08-1972; and
- Drainage easement per File No. 2000-0023128 recorded 01-14-2000; and
- Conservation/open space easement per F/P No. 96-0593902 recorded 11-22-96; and
- Conservation/open space easement per F/P No. 97-0295313 recorded 06-24-1997; and
- Easement for drainage facilities, excavation, embankment and slopes over all of said Parcel 4, PM 6902; and
- O.S. 80 per PM 8133 declared a public highway by the Board of Supervisors Memorandum of Proceedings Vol. 9, p. 300 dated 10-15-1988,

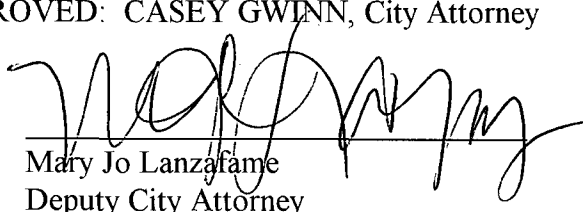
located within the project boundaries as shown in Tentative Map No. 7439, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 7439 is granted to Del Mar Land Management,

Applicant and Partners Planning and Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

A handwritten signature in black ink, appearing to read 'Mary Jo Lanzafame', written over a horizontal line.

Mary Jo Lanzafame
Deputy City Attorney

MJL:pev

10/15/02

Or.Dept:Clerk

R-2003-461

Form=tmr-residential frm

Reviewed by Patricia Grabski

CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO. 7439
FAIRBANKS COUNTRY VILLAS PROJECT
ADOPTED BY RESOLUTION NO. R-297090 ON SEPTEMBER 24, 2002

1. This Tentative Map will become effective on the effective date of the associated rezone and will expire three years thereafter. Should the rezone or street and easement vacations 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. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.
4. The Final Map shall conform to the provisions of PRD/RPO Permit No. 99-0329.
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. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
9. The approval of this Vesting 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.).
10. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. 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.
12. Undergrounding of existing and proposed public utility systems and service facilities is required according to the San Diego Municipal Code.
13. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 99-0329, satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue
 - Biological Resources
 - Paleontological Resources
 - Hydrology/Water Quality
 - Historical Resources
 - Transportation/Circulation
14. Prior to the issuance of an Interim Habitat Loss Permit and associated grading or pre-grading permit from the City of San Diego for any portion of the project site, the subdivider must verify in writing to the City Manager that he/she has obtained final concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the NCCP Process and

Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. Any project redesign required to obtain agency concurrence will require reconsideration by the appropriate City design making body.

Approval of this permit does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a five percent cumulative loss of coastal sage scrub and gnatcatcher occupied habitat calculated at the grading permit stage.

15. Prior to the issuance of a grading or pre-grading permit from the City of San Diego for any portion of the project site, proof of an incidental take permit under Section 7 or Section 10(a) of the Federal Endangered Species Act relative to the California gnatcatcher shall be provided to the City Manager. If such permit is not required, written verification to that effect from the U.S. Fish and Wildlife Service shall be provided. Any project redesign is required in obtaining a Section 7 or 10a permit will require reconsideration by the appropriate City decision making body.
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. The Final Map and grading plans shall be submitted to CALTRANS for review. The subdivider shall submit a letter of project support from CALTrans.
18. The alignment and grade for Torrey Meadows Drive crossing SR-56 has not been addressed by CALTrans. There may be design issues and construction parameters that may require project changes to facilitate the Torrey Meadows Drive crossing. CALTrans require specific studies and separate approvals to allow the crossing of State right-of-way.
19. There shall be notes on the grading plans that state:
 - a) All grading within SR-56 right-of-way shall conform to Section 19 of the California Standard Specifications.
 - b) The subdivider shall contact CALTrans prior to the start of grading for this subdivision.
 - c) The grading for the Torrey Meadows Drive crossing shall have a 95% compaction requirement in advance of structures.

20. The approval of this Vesting Tentative Map does not constitute the approval of SR-56 alignment and grade. The final alignment and grade may have an impact on the subject development.

There may be additional impacts to the development for the future construction of a westbound on ramp and auxiliary lane from Camino Ruiz. The location of the future right-of-way has yet to be determined.

21. The proposed project shall conform to the Torrey Highlands (Subarea IV) Transportation Phasing Plan dated October 1995, and the Final EIR/Traffic Study dated June 1996.
22. The subdivider shall construct Carmel Valley Road as a four-lane major street. The subdivider shall dedicate 132 feet right-of-way and shall provide 102 feet of pavement, curb, gutter and a 5 foot sidewalk within a 15 foot curb to property line distance along the project's frontage with appropriate transition to the east, satisfactory to the City Engineer.
23. The subdivider shall construct a traffic signal at the intersection of Carmel Valley Road and the project's entry, satisfactory to the City Engineer.
24. The subdivider shall construct Torrey Meadows Drive as a two-lane collector street . The subdivider shall dedicate 70 feet of the right-of-way and shall provide 40 feet of pavement, curb, gutter and a 5 foot sidewalk within a 15 foot curb to property line distance then transition to a two-lane collector street with a two-way left-turn lane along the project's frontage . The subdivider shall dedicate 80 feet of the right-of-way and shall provide 50 feet of pavement, curb, gutter and a 5 foot sidewalk within a 15 foot curb to property line distance , satisfactory to the City Engineer. The subdivider shall provide a temporary cul-de-sac at the western end of Torrey Meadows Drive with a 35 foot curb radius and a 40 foot right-of-way radius. The construction of the interim cul-de-sac shall be coordinated with Shaw Property TM No. 99-0518.
25. 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 City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
26. The construction grading plans shall show the limits of disturbance and the top and toe of all slopes shall be tied to a reference point (i.e., lot line, subdivision boundary, field reference). If the limits of disturbance are the same as the day light, line, state accordingly.
27. All future driveways and curb openings shall comply with City Standard Drawings G-16 and SDG-100.

28. Vehicular access to the dwelling units within Unit 1 (excepting Private Street "E") and within Unit 2 shall be by a system of privately maintained, non-dedicated, private driveways constructed in a manner satisfactory to the City Engineer.
29. A Mutual Access Easement shall be granted on Lots 48 and 49 of Unit 2, for the shared driveway
30. Water Requirements:
 - a. The subdivider shall relocate the Del Mar Heights Pipeline into Carmel Valley Road, as needed, in a manner satisfactory to the Water Department Director.
 - b. 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. If phasing is proposed, then affordable housing sites must be included in the first phase. Redundancy shall be maintained throughout phasing of the development.
 - c. The subdivider shall design and construct all public water facilities as required in the accepted water studies, necessary to serve this development, maintaining redundancy at all times, in a manner satisfactory to the Water Department Director. Water facilities, as shown on the approved Tentative Map, will require modification based on the accepted water studies and standards. Redundancy shall be maintained throughout phasing of the development.
 - d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end main then the subdivider shall install facilities to provide a redundant water supply, satisfactory to the Water Department Director.
 - e. The subdivider shall be responsible for any damage caused to or by the Del Mar Heights Pipeline as a result of the construction activities associated with this development.
 - f. The subdivider agrees to design and construct all proposed public water facilities, including 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.

- g. 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.
- h. 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 or 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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.

31. Sewer Requirements:

- a. The subdivider shall construct their fair share of the Carmel Valley Trunk Sewer or enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.
- b. Prior to the submittal of any public improvement drawings, the subdivider shall provide a Sewer Study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public or private gravity sewer mains and to show that the existing and proposed public or private sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the area in which it lies. The study shall identify appropriate easements and vehicular access to all sewer manholes.
- 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 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 re-designed, satisfactory to the Metropolitan Wastewater Department Director.
- e. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public or private sewer facilities that are not located within public right-of-way, satisfactory to the Metropolitan Wastewater Department Director. Minimum easement width for public or private 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 of 24 foot wide and paved full width.
- f. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- g. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Removal Agreement.

- h. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
 - i. 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.
 - j. For the public on-site sewer facilities located within a gated community, the subdivider 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.
32. The subdivider shall show the type and location of all post-construction BMP's on the final construction drawings. All runoff from the site shall be filtered/treated for removal of sediment and oil/grease prior to leaving the site. By a separate report, the subdivider shall address the BMP's maintenance schedule, maintenance costs and who will be responsible for the future maintenance and associated costs. The report also needs to address water quality. Describe the type of pollutants that will be generated post development, the pollutants to be captured by the BMP's and the quality of the resultant discharge.
33. The drainage system proposed for this subdivision, is subject to approval by the City Engineer. All drainage systems not located in a public street shall be private.
34. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), *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 implemented concurrently with the commencement of grading activities, and a 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. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

35. Portions of the project are located in the floodplain of Mc Gonigle Canyon Creek, as delineated on Panels 1332, 1333, 1334 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with the approval of this Vesting Tentative Map the subdivider shall comply with the following:
- a. No increases to base flood elevations are allowed. A Registered Professional Engineer shall submit a no rise certification along with a detailed engineering analysis to substantiate the certification. The analysis is subject to the approval of the City Engineer.
 - b. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of a grading, engineering, or building permits. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - c. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision (LOMR) is obtained from FEMA. The LOMR is issued based upon as-built site conditions, therefore, the applicant must allow time to complete this process. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - d. No structures except those allowed by Section 131.0222 (Use Regulations for Open Space Zones) of the Land Development Code shall be built within the Floodway.
 - e. All structures built within the Special Flood Hazard Area must have the lowest floor elevated 2 feet above the base flood elevation or if the structure is nonresidential it maybe flood proofed to that same elevation.
 - f. All fill placed within the Special Flood Hazard Area must be compacted to 95% relative compaction.
 - g. The developer shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 1 foot.

- h. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
 - i. The developer shall grant a flowage easement, satisfactory to the City Engineer.
- 36. The Affordable Housing Requirements of PRD/RPO Permit No. 99-0329 on file with the Development Services Department, are hereby incorporated by reference into this Vesting Tentative Map. 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. The Affordable Housing Requirements are more thoroughly described through conditions of the accompanying PRD/RPO Permit No. 99-0329, such Permit becoming utilized upon recordation of this Vesting Tentative Map.
- 37. Open Space Requirements:
 - a. Lots 43, 45, 46, 96 and 97 shall have open space easements.
 - b. Lots 42, 92, and 95 shall have building restricted easements.
 - c. All trails for use by the public, on private property, shall be a 10 foot wide non-motor vehicle, pedestrian, right-of way. The grade, width, type of materials of the traveled way and signs shall be satisfactory to the Park & Recreation Director.
 - d. Lot 94 shall be deeded to the city, at no cost, for open space and be free and clear of any private easements, private encroachments, private agreements or lien.
 - e. The Developer shall reserve Lot 47 and Lot 99 in accordance with Section 66479, et seq., of the California Subdivision Map Act for a neighborhood park. Provisions of the Act require that the subdivider shall, prior to the recordation of the first final map for any unit within this development, enter into an agreement for the City to acquire the park site within two (2) years after completion and acceptance of all public improvements unless such period of time is extended by mutual agreement. The purchase price shall be the market value of the raw unsubdivided land thereof at the time of filing of the first substantially complete map, January 1999, plus taxes against such reserved area from the date of reservation, and any other costs incurred by the developer in the maintenance of such reserved areas, including interest costs incurred on any loan covering such reserved areas. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.

- f. The Developer shall hire a property appraiser, acceptable to the Real Estate Asset Director, for the purpose of appraising the value of the park site as raw unsubdivided land. The appraisal shall be completed and approved by the Real Estate Asset director prior to the recordation of the first final map for any unit in this development. Failure of the City to accept the appraisal from the developer, The City reserves the right to hire an appraiser to value the land. Failure of the two parties to resolve any differences will require the naming of a third appraiser to mediate the issue. Failure of both parties to agree on a mediator will require that the final value of the land be established by judgement of the Superior Court.
- g. The Developer shall prior to the recordation of the first Final Map for any unit within this development, enter into an agreement with the City for reimbursement of any costs associated with the acquisition of the above property. The agreement shall define the method of compensation. The agreement shall be to the satisfaction of Facilities Financing of the Planning and Development Review Department.
- h. The Developer shall provide for the rough grading of the park site to the Park and Recreation Department specifications of a maximum 2% grade. Prior to the recordation of the first final map for any unit within this development, the subdivider shall enter into an agreement with the City for reimbursement of any costs associated with the above described grading work. The agreement shall define the method of compensation. The agreement shall be to the satisfaction of Facilities Financing of Planning and Development Review Department.
- i. **PARK PURCHASE AGREEMENT:** If this developer is a signatory to a City Council approved Park Purchase Agreement then the above noted condition will become null and void.

38. Landscape Requirements:

- a. No change, modifications or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the Land Development Code 142.0401 and Landscape Standards, Exhibit "A", Landscape Development Plan, Brush Management Plan, Details and Notes on file in the Office of the Development Services.
- b. 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 re-vegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City Manager. The subdivider shall assure by permit, cost estimate and bond, the installation of landscaping per landscape construction documents.

- c. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within and visible from the public right-of-way. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recording of the Final Map.
- d. The subdivider shall identify on a separate sheet titled "Non-title Sheet" the brush management areas in substantial conformance with Exhibit "A". 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 a fire hazard zone(s) per Section 142.0412 of the Land Development Code."
- e. The subdivider shall have a recorded easement granted by the adjacent property owners of A.P. N 306-001-20 to the Permittee/Owner of Permit No. 99-0329 to establish and maintain the required Brush Management Zones (Zone One of 35 feet and Zone Two of 50 feet) on the adjacent property in perpetuity. The recorded easement shall be submitted to the satisfaction of the City Manager and the City of San Diego's Landscaping Section.

39. Brush Management Program

The subdivider shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A", Brush Management Program/Landscape Development Plan, on file in the Office of the Development Services Department:

- a. Prior to the issuance of permits or recording of Final Maps, all easements or right of entry permits for the purpose of Brush Management shall be obtained
- b. Prior to the issuance of any engineering permits for grading, complete Brush Management, planting and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval. All plans shall indicate the brush management zones depth by dimension.

- c. The Brush Management Maintenance Program as noted on Exhibit "A", shall be performed annually by the subdivider or subsequent owner until such time that another approved entity such as a home owners association or a Landscape Maintenance District assumes annual responsibility.

40. Multiple Habitat Plan Area (MHPA) Requirements:

Prior to the grading permit, the City Manager shall review and approve the Landscape Concept Plan to ensure that no-native species shall be located in areas adjacent to the Multiple Habitat Planning Area (MHPA).

41. Prior to the issuance of the grading permit access to the MHPA, if any, should be directed to minimize impacts and shall be shown on the Site Plan and reviewed and approved by the City Manager.

42. No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, until the following requirements have been met to the satisfaction of the City Manager.

- a. Prior to any construction related activity, the biologist shall survey those areas of the MHPA that are within 500 feet of any proposed construction activity, in accordance with the U.S. Fish and Wildlife Service protocol for determining the presence/absence of California gnatcatchers and shall notify the City Manager of the results. If a survey is not conducted presence shall be assumed and a temporary noise barrier will be required.
- b. If no California gnatcatchers are found to be present within the MHPA up to 500 feet of any proposed construction related activity, then vegetation clearing and project construction may commence.
- c. If California gnatcatchers are found to be present within the MHPA, construction related activities within 500 feet shall not commence until temporary noise barrier(s) are placed between construction activity and occupied gnatcatcher habitat. The location of the noise barrier(s) shall be determined by the biologist and acoustical engineer. Construction noise levels shall be monitored at the edge of the occupied habitat with noise barrier(s) in place.
- d. In consultation with the City Manager, other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A) at the edge of the occupied habitat.

- e. Construction noise shall continue to be monitored twice weekly on varying days, or more frequently depending on construction activity, to verify that noise at the edge of the occupied habitat is maintained below 60 dB(A). If not, other measures shall be implemented (in consultation with the City Manager), as necessary, to reduce noise levels to below 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment and limitations on the simultaneous use of the equipment.
 - f. Prior to issuance of the grading permit, areas within the MHPA shall be dedicated in a fee to the City, OR placed in a conservation easement OR covenant of easement specific to the MSCP which is then recorded on the property. The existing open space easement recorded in 1996 will not satisfy this condition, as the boundary has changed.
 - g. Prior to issuance of the building permit for structures adjacent to the MHPA, a lighting plan shall be submitted to the City Manager for review and approval. The plans shall require that exterior lighting development areas adjacent to the MHPA be limited and shall shield and direct all lighting away from the MHPA. Lighting from homes abutting the MHPA shall be screened with vegetation. Large spot light type lighting that may affect the MHPA shall be prohibited. The lighting design shall be noted and graphically depicted on building and landscape plans and compliance with this measure shall be monitored by the City Manager.
 - h. Prior to issuance of any building permits, a fence plan shall be provided to the City Manager for review and approval. The plan shall require fencing or a similar barrier in all residential lots adjacent to the MHPA. The fencing or barrier shall be indicated on the building and landscape plans and compliance with this measure shall be reviewed by the City Manager.
 - i. Prior to issuance of the grading permit, the City Manager shall review and approve a Restoration Plan for the grading that will occur in the Multi-Habitat Planning Area (MHPA) but within the limits of the Subarea IV Grading Line for Unit 2.
44. This subdivision is in a community plan area designated in the General Plan as Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the Final Map, the subdivider shall comply with the provisions of the financing plan then in effect for this Community Plan area, in a manner satisfactory to the Development Services Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying

a Facilities Benefit Assessment(FBA) or such other means as may have been established by the City Council.

45. This Tentative Map is a Vesting Tentative Map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development 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 San Diego Municipal. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, in accordance with procedures established by the Director of Building Inspection.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.