

RESOLUTION NUMBER R- 298901

ADOPTED ON FEB 10 2004

WHEREAS, Black Mountain Ranch, LLC, a California Limited Liability Company, Applicant, and Rick Engineering, Engineer, submitted by an application to the City of San Diego for a 63-lot vesting tentative map (Vesting Tentative Map No. 4796) for the North Clusters at Black Mountain Ranch [Project], and street and easement vacations, located north of Camino Del Sur and San Dieguito Road, and legally described as Parcel 18 of Parcel Map 18504, in the Black Mountain Ranch Subarea 1 Plan area, in the AR-1-1 zone (previously referred to as the RS-1-11 zone) which is proposed to be rezoned to the RS-1-11 zone; and

WHEREAS, on February 5, 2004, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 4796, and street and easement vacations, and pursuant to Resolution No. 3468 -PC voted to recommend City Council approval of the vesting tentative map, and street and easement vacations; and

WHEREAS, the matter was set for public hearing on February 5, 2004, 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. 4796:

1. The map proposes the subdivision of a 35.92-acre site into sixty-three lots for residential development (fifty-nine residential, and four Property Owner's Association). This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Black Mountain Ranch Subarea I Plan, 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 RS-1-11 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 Development Permit [PDP].

b. All lots meet the minimum dimension requirements of the RS-1-11 Zone as allowed under a PDP.

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 PDP.

d. Development of the site is controlled by Planned Development Permit No. 4795.

3. The design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for future passive or natural hearing 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 City of San Diego conducted an Initial Study in compliance with the California Environmental Quality Act which concluded that the project would result in significant direct environmental impacts in the following areas: Biological Resources, Hydrology and Water Quality, Landform Alteration/Visual Quality, Historical Resources (Archaeology), Paleontological Resources, and Noise. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the proposed project as identified in the Addendum to Environmental Impact Report No. 96-7902 (Project No. 1463).

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 considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources in conformance with the Subdivision Map Act section 66412.3 and the San Diego Municipal Code section 125.0440(h).

10. The geotechnical consultant has adequately addressed the soil and geologic conditions for environmental review of the proposed development.

11. The property contains right-of-ways and public service easements which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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 66434(g), Artesian road, shown as County Road on Old Survey No. 124, declared a public road by City Council Resolution No. 219164, recorded September 14, 1977, as File Page No. 77-376557, located within the project boundaries as shown in Vesting Tentative Map No. 4796, shall be vacated, contingent upon the recordation of the approved final maps for the project.

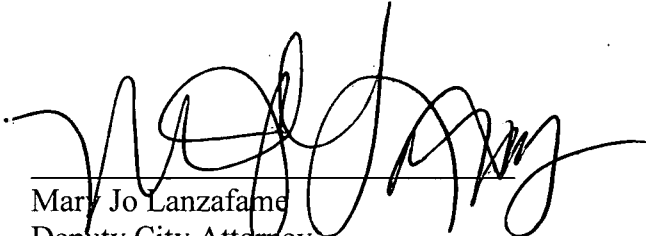
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), a building restricted easement, recorded July 18, 2000, as File Page No. 2000-377963, located within the project boundaries as shown in Vesting Tentative Map No. 4796, shall be vacated, contingent upon the recordation of the approved final maps for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained and Vesting Tentative Map No. 4796 is granted to Black Mountain Ranch, LLC, a

California Limited Liability Company, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame  
Deputy City Attorney

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CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO. 4796  
NORTH CLUSTERS AT BLACK MOUNTAIN RANCH PROJECT  
ADOPTED BY RESOLUTION NO. R-298901 ON FEBRUARY 10, 2004

1. This vesting tentative map will become effective on the date of the associated rezone and expire three years thereafter, or from the time provided for in the First Amendment to Second Amended and Restated Development Agreement [Development Agreement], Document No. 2002-0043111, whichever is longer. Should the rezone 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 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 vesting tentative map, may protest the imposition within 90 days of the approval of this vesting tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final maps shall conform to the provisions of Planned Development Permit No. 4795.
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 vesting 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, except as otherwise shown in the street conditions, as shown in this document.

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.

- 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. 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.
11. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.
12. Pursuant to City Council Policy 600-20, Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
13. Undergrounding of existing and proposed public utility systems and service facilities is required according to the San Diego Municipal Code.
14. Prior to issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Work Order and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
15. 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.

16. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Addendum to Environmental Impact Report No. 96-7902 (Project No. 1463) satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit or recordation of the first final map as such timing is described in the MMRP, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources;  
Hydrology and Water Quality;  
Landform Alteration/Visual Quality;  
Historical Resources (Archaeology);  
Paleontological Resources; and  
Noise.

17. 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.
18. The proposed project shall conform to the Black Mountain Ranch/Subarea I Transportation Phasing Plan in the Public Facilities Financing Plan.
19. The subdivider shall assure the construction of a future traffic signal at the intersection of Camino del Sur/Camino Del Norte and Bing Crosby Blvd, satisfactory to the City Engineer.
20. The subdivider shall dedicate and construct Camino del Sur as a four-lane major street. The subdivider shall dedicate 122 feet of right-of-way and shall provide 102 feet curb to curb including curb, gutter and 5 foot sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer. As an interim the applicant shall construct Camino del Sur as a two-lane major street along the project's frontage with a minimum pavement width of 32 feet including curb, gutter and a 5 foot sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
21. The proposed project should not create a connection between Camino del Norte and the San Dieguito Road/Camino del Sur intersection. The subdivider shall install a barricade on Camino del Sur immediately south of Artesian Road (B Street on West Cluster VTM 40-0529).
22. The subdivider shall construct Bing Crosby Blvd as a two-lane private street. The subdivider shall provide a 60 foot general utility easement and shall provide 36 feet of pavement, curb, gutter and a 5 foot wide sidewalk within a 12 foot curb to property line distance, satisfactory to the City Engineer.

23. The subdivider shall construct Bing Crosby Blvd as a cul-de-sac. The subdivider shall dedicate 47 foot radius right-of-way and shall provide 35 feet radius of pavement, curb, gutter and a 5 foot wide sidewalk within a 12 foot curb to property line distance, satisfactory to the City Engineer.
24. The subdivider shall construct Bing Crosby Blvd as a two lane collector shall dedicate 64 feet of right-of-way and shall provide 40 feet of pavement, curb, gutter and a 5 foot wide sidewalk within a 12 foot curb to property line distance, satisfactory to the City Engineer.
25. The subdivider shall construct Streets A, B, C and D as a two lane private local residential street. The subdivider shall provide a 58 foot general utility easement and shall provide 34 feet of pavement, curb, gutter and a 5 foot wide sidewalk within a 12 foot curb to property line distance, satisfactory to the City Engineer.
26. Water Requirements
  - a. Prior to the approval of any public improvement drawings, the subdivider shall provide acceptable potable and reclaimed water studies satisfactory to the Water Department Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.
  - b. The subdivider shall design and construct all public water facilities, both potable and reclaimed, as required in the accepted water studies for Black Mountain Ranch Subarea I, as necessary to serve this development. Water facilities, as shown on the approved vesting tentative map, will require modification, based on the accepted water studies and to maintain redundancy throughout construction phasing, at final engineering.
  - c. The subdivider shall design and construct the emergency water interconnect between the City of San Diego and the Olivehain Municipal Water District in a manner satisfactory to the Director of the Water Department and the City Engineer.
  - d. The subdivider shall install five hydrants at location 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 Director of the Water Department.
  - e. 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 Director of the Water Department. Easements shall be located within single lots.



- f. Grants of water easements shall have the following minimum widths: water mains with services of fire hydrants – 32 feet with 24 feet of paving and full height curbs. All paving shall conform to schedule “J” or better. Water easements, as shown on the approved vesting tentative map, will require modification based on standards at final engineering.
- g. The subdivider shall provide keyed access to the Water Operations Division, in a manner satisfactory to the Director of the Water Department, on all gates located within easements containing public water facilities. The City will not be held responsible for all issues that may arise relative to the availability of keys.
- h. 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 modified at final engineering to comply with standards.
- i. In accordance with the accepted and approved Reclaimed Water Study, the subdivider shall design and construct all irrigations systems served by irrigation services, to utilize reclaimed water in a manner satisfactory to the Director of the Water Department.
- j. The subdivider shall provide a letter, to the Development Project Manager, agreeing to prepare CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot or dwelling unit.
- k. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities 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.

27. Wastewater Requirements:

- a. The subdivider shall participate in the construction of the Carmel Valley Trunk Sewer pursuant to the terms and restrictions of the Advance Funding Agreement for the Carmel Valley Trunk Sewer Project as approved by the City on November 3, 2003, Document No. 298540-2, and as may be amended from time to time.
- b. Prior to the submittal of any public improvement drawings, including grading plans, the developer shall provide a revised accepted sewer study satisfactory to the Director of the Metropolitan Wastewater Department, 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.

- c. The subdivider shall install sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved vesting 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 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 Director of the Metropolitan Wastewater Department. 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 Director of the Metropolitan Wastewater Department.
- f. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24-foot-wide and paved full width. An additional five (4) feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than 10 feet deep, two (2) feet of additional easement width for each foot of depth over 10 feet shall be required.
- g. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- h. 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 Maintenance and Removal Agreement.
- i. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- j. 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.

- 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 Director of the Metropolitan Wastewater Department. The City will not be held responsible for any issues that may arise relative to possession of the keys.
28. In the event grading should occur prior to recordation of the final map, the Subdivider shall submit complete landscape construction documents comprising of plans, details and specifications (including permanent, automatic irrigation system as required) for hydroseeding and slope revegetation of all disturbed land. These plans shall be consistent with the City's Landscape Standards, Exhibit "A," Landscape Concept Plan, and to the satisfaction of the City Manager.
29. The subdivider shall submit complete landscape construction documents comprising of plans, details and specifications (including permanent, automatic irrigation system unless otherwise approved) for the required right-of-way and median improvements. These plans shall be consistent with the City's Landscape Standards, Exhibit "A," Landscape Concept Plan, and to the satisfaction of the City Manger.
30. 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 fire hazard zone(s) per section 142.0412 of the Land Development Code."
31. The Subdivider shall submit for review a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way and all common areas consistent with Exhibit "A." The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.
32. 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 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.
33. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Planning & Development Review Department for each final map processed in connection with this vesting tentative map.

34. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is subject to approval by the City Engineer.
35. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), 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 Section C.7 of SWRCB Order No. 99-08-DWQ.

36. This project proposed to export 750,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
37. Prior to the issuance of any construction permits, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
38. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
39. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMPs] on the final construction drawings, consistent with the approved Water Quality Technical Report.

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 Code. The property may also be 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 vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.