

RESOLUTION NUMBER R-304919

DATE OF FINAL PASSAGE MAY 19, 2009

A RESOLUTION GRANTING VESTING TENTATIVE MAP NO. 497492, PUBLIC RIGHT-OF-WAY VACATION NO. 611214, AND EASEMENT VACATION NO. 590158 FOR THE BLACK MOUNTAIN RANCH NORTH VILLAGE PROJECT, PROJECT NO. 142244.

WHEREAS, Black Mountain Ranch, LLC, a California Limited Liability Company, Applicant/Subdivider, and Rick Engineering, Engineer, submitted an application to the City of San Diego for a vesting tentative map, public right-of-way vacation, and easement vacation (Vesting Tentative Map [VTM] No. 497492, Public Right-of-Way Vacation No. 611214, and Easement Vacation No. 590158) to develop a mixed-use development combining affordable housing, community serving commercial and retail space, office space, market rate single-family and multi-family housing, property owners association owned parks, a village green park site, a proposed middle school site, and restored open space on a 967.50-acre site, for the Black Mountain Ranch North Village project [Project], located in the northern portion of the Black Mountain Ranch Subarea Plan, and legally described as Parcels 4, 8, 16, 19, 21 and 23 of Parcel Map No. 18504, Parcel 2 of Parcel Map No. 19546, and Parcel 3 of Parcel Map No. 17995, in the Black Mountain Ranch Community Plan area; and

WHEREAS, the Map proposes the subdivision of a 967.50-acre site into 1,810 lots; and

WHEREAS, Addendum No. 142244 to Environmental Impact Report No. 96-7902 [1998 FEIR] has been prepared for the project in accordance with State of California Environmental Quality Act [CEQA] guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, the potential

impacts identified in the environment review process to the extent feasible; in addition, a Statement of Overriding Considerations has been prepared for the significant unmitigated impacts that were identified in the 1998 FEIR; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. Lots 172-183 of Unit 1, lots 80-86 of Unit 2, lots 227-281 of Unit 3, lots 144-213 of Unit 4, lots 29-38 and 51 of Unit 9, lot 64 of Unit 10, lots 8-30 of Unit 11, lots 1-3 of Unit 12, lots 1-80 of Unit 13, lots 1-39 of Unit 15, lot 1 of Unit 20 of this subdivision are residential condominium projects as defined in Section 1350 of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of residential condominium dwelling units is 1,377; and Lots 1-4 of Unit 11, of this subdivision are commercial condominium projects as defined in Section 1350 of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of commercial condominium units is thirty-five; and

WHEREAS, on April 2, 2009, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 497492, Public Right-of-Way Vacation No. 611214 and Easement Vacation No. 590158, and pursuant to Resolution No. 4501-PC voted to recommend City Council approval of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on May 19, 2009, 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. 497492:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)). The proposed uses of the lots shown on the Vesting Tentative Map are consistent with the Black Mountain Ranch Subarea I Plan which identifies these sites for a mixed-use development combining residential single-family and multi-family market-rate housing and affordable housing, community serving commercial and retail space in a mixed-use village core with a employment/office center; a hotel, transit center; a village green park site; property owners association owned parks; a proposed middle school site; restored open space; a fire station; and other on- and off-site infrastructure improvements. The project site is situated within the master planned community of Black Mountain Ranch. The proposed project is a master planned, mixed use residential/commercial development on a 967.50 acre site designated for Residential, Mixed-Use Community Commercial, Recreation and Open Space uses in the Black Mountain Ranch Subarea Plan. With the adoption of the amendment to the General Plan and Black Mountain Ranch Subarea Plan, the proposed project will allow a housing component and commercial development consistent with the policies and guidelines of the General Plan and Black Mountain Ranch Subarea Plan. Further the design and implementation of the proposed project will achieve the goal, policies and objectives of the Black Mountain Ranch Subarea Plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)). The proposed development complies with the regulations of the OP-1-1, OR-1-1, AR-1-1, RS-1-14, RX-1-2, RM-1-2, RM-1-3, RM-2-6, CC-1-3, CC-3-5 and CC-4-5 zones and site specific development regulations for the property, as allowed through the approval of a Planned Development Permit. Two deviations are approved with the project and are described as follows: 1) Front yard setback and 2) Building Height. The proposed development complies with all relevant regulations of the Land Development Code, as allowed through the approval of a Planned Development Permit. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have

been written as such into Planned Development Permit No. 497493/Site Development Permit No. 497494. Development of the property will meet all requirements of these regulations. Concept plans and The North Village Community Design Guidelines for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)). The conclusions of several technical and scientific reports specifically concerned with determining the suitability of the site for the type and density of the proposed development concluded that in fact the site is suitable for both the type and density of the proposed project. The results of Water, Wastewater, Geotechnical, Traffic Analysis, Cultural Resource Survey, Noise Study, Water Quality Technical Report and Hydromodification Management Plan, Encroachment Analysis for Remedial Grading, Biology Study, and Coastal Sage Scrub/Native Grassland Restoration Plan and Enhancement Program for Remedial Grading studies concluded individually the physical suitability of the site for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Land Development Code Section 125.0440(d) and Subdivision Map Act Section 66474(e)). The conclusions of several technical and scientific reports specifically concerned with determining the suitability of the site for the type and density of the proposed development concluded that in fact the site is suitable for both the type and density of the proposed project. The results of Water, Wastewater, Geotechnical, Traffic Analysis, Cultural Resource Survey, Noise Study, Water Quality Technical Report and Hydromodification Management Plan, Encroachment Analysis for Remedial Grading, Biology Study, and Coastal Sage Scrub/Native Grassland Restoration Plan and Enhancement Program for Remedial Grading studies concluded individually the physical suitability of the site for the type and density of the proposed development. In addition and more specifically the conclusions of Addendum No. 142244 to Environmental Impact Report No. 96-7902 included specific mitigation for the potential impacts resulting from the implementation of the project at the site, as also included in Environmental Impact Report No. 96-7902. An updated biological report was prepared for the proposed project, dated August 2008. The revised North Village VTM and proposed Subarea Plan Amendment do not change the project footprint, except at the location of the proposed Fire Station No. 48. The impacts on the proposed fire station site would add an additional 1.77 acres of impact to non-native grassland and 0.33 acre of disturbed habitat to the impact total previously reported for the North Village. The 2.1 acre of additional impact will be off-set by the addition of 2.5 acres of native habitat comprised of 1.7 acres of coastal sage scrub and 0.7 acre of native grassland on a trade parcel to be added to the Multiple Habitat Planning Area with the boundary adjustment. The incorporation of the 2.5 acre trade parcel, identified as Assessors Parcel Number 312-010-3100, into the Multiple Habitat Planning Area will serve as mitigation for these additional impacts. The 1998 FEIR analyzed impacts to biological resources and instituted all feasible mitigation, fully mitigating direct impacts but concluding that some significant unmitigated cumulative impacts would remain. Those impacts not reduced to below a level of

significance are justified by the Statement of Overriding Considerations. Subdivision Map Act Section 66474.01 allows for the approval of a tentative map where environmental mitigations are infeasible and the local agency has issued a Statement of Overriding Considerations. Therefore, the approval of the subdivision and the proposed improvements is valid. Therefore, the potential impacts associated with the proposed project would be adequately addressed. No new mitigation is required for the proposed project. Therefore, because of the mitigation imposed and the considerations set forth in the project's Statement of Overriding Considerations the subdivision or the proposed improvements will not likely cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)). The proposed subdivision will construct necessary sewer and water facilities to serve the residents of the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance; will 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. The subdivision will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed subdivision will not be detrimental to the public health, safety, and welfare, and would not be likely to cause serious public health problems.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)). Existing easements, identified as Building Restricted Easements on Parcel 3 dedicated per Parcel Map No. 17995 recorded on March 10, 1998, Building Restricted Easements on Parcels 4, 8, 16, 19, 21 and 23 dedicated per Parcel Map No. 18504 recorded on July 6, 2000, Building Restricted Easement on Parcel 2 of Parcel Map No. 19546 recorded on August 16, 2004, portions of Public Sewer Easement per Document Recorded on July 20, 2006 as Instrument No. 2006-0512334, of O.R., portions of Road Easement described as Old Road Survey No. 57, Utility Easement per File No. 128937 of O.R. recorded on July 20, 1962, located within the project boundaries as shown in Vesting Tentative Map No. 497492, have been reviewed by all parties with a vested interest in the aforementioned easements and have been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and abandonment of these easements and therefore no conflict will result which would negatively affect the public at large for access through or use of the property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1). The design of the proposed subdivision will provide,

to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in the proposed subdivision design address, where feasible, lots sized and configured to permit orientation of planned structures in an east-west alignment to allow for the maximum southern exposure. In addition, where feasible the lots have been configured and sized to permit the orientation of the structures planned for those lots to take advantage of shade and/or prevailing breezes. In providing for future passive or natural heating or cooling opportunities in designing the proposed subdivision, the Subdivider considered the local San Diego climate, as well as the subdivision's landform contours. The design to provide passive or natural heating and cooling opportunities to the extent feasible would not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors.

8. The decision maker 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 (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3). The proposed subdivision will provide 1,433 dwelling units. The units would be divided between single- and multi-family products with a total of 564 single-family dwelling units and 869 multi-family dwelling units. Of the 869 multi-family units, 604 units would be market rate units and 265 would be affordable units. Of the 604 multi-family units, 304 would have no age restriction while 300 units would be for seniors. Of the 265 affordable units, 165 units would have no age restriction and 100 units would be for seniors. These dwelling units will assist the City in meeting the housing needs of the City, and region, which has determined to be experiencing a housing crisis. Additionally, the development of these 1,433 dwelling units will be balanced against their need for public services and available fiscal and environmental resources through implementation of the Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, which ties the need for public facilities in the Black Mountain Ranch community to the growth proposed to occur in that community. In addition, the payment of property taxes, utility charges, economic stimulus effects, and diversity of contributions. The decision maker has determined the proposed subdivision and resulting development will balance the needs of the region with the fiscal and environmental resources of the City, region, state, and country.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference. The said findings stated above are supported by the drawings, design guidelines, subarea plan, and all other relevant documents and reports used in the review process for evaluating the proposed subdivision and are a part of the official record for these decisions.

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Easement Vacation, No. 590158:

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. Existing easements, identified as Building Restricted Easements on Parcel 3 dedicated per Parcel Map No. 17995 recorded on March 10, 1998, Building Restricted Easements on Parcels 4, 8, 16, 19, 21 and 23 dedicated per Parcel Map No. 18504 recorded on July 6, 2000, Building Restricted Easement on Parcel 2 of Parcel Map No. 19546 recorded on August 16, 2004, portions of Public Sewer Easement per Document Recorded on July 20, 2006 as Instrument No. 2006-0512334, of O.R., portions of Road Easement described as Old Road Survey No. 57, Utility Easement per File No. 128937 of O.R. recorded on July 20, 1962, located within the project boundaries as shown in Vesting Tentative Map No. 497492, have been reviewed by all parties with a vested interest in the aforementioned easements and have been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and abandonment of these easements and therefore no conflict will result which would negatively affect the public at large within the proposed subdivision. The easements being vacated are no longer needed and there is no evidence that they would be needed in the future; thus there is no present or prospective use for the Easements, either for the facility for which they were originally acquired or for any other public use or a like nature that can be anticipated that requires these easements to remain at their current location.

2. The public will benefit from the action through improved utilization of the land made available by the abandonment. The abandonment of these easements have been reviewed by all parties with a vested interest in the aforementioned easements and have been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and abandonment of these easements and therefore no conflict will result which would negatively affect the public at large within the proposed subdivision. The abandonment of these easements will allow for a better utilization of land in the development of the community and will result in a greater cohesiveness of uses, roads, parks, and other community amenities.

3. The abandonment is consistent with any applicable land use plan. The review process by all parties with a vested interest in the aforementioned easements have determined the abandonment of these easements will be consistent with the goals, policies and direction of the Black Mountain Ranch Subarea I Plan. The vacation does not conflict with the amended Subarea Plan's goals, objectives or recommendations, and, as such does not adversely affect any applicable land use plan

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists. The easements originally were acquired for purposes of Road Survey 57 which was never constructed and is replaced by other circulation roads in the community; SDG&E easement recorded July 30, 1962 was acquired to provide service to a private facility no longer planned; Building Restricted Easements recorded 1998, 2000 and 2004 were required on the pre-development Parcel Maps on all of the lots to guarantee,

to the City, that in the event any of the lots were to change ownership, a mechanism was in place that would preclude the ability of pulling building permits without some form of process of review being required. With the current development proposal, and the discretionary approvals that are required, these easements are no longer needed; General Utility Easement recorded 2004 was created to provide access and utilities to a previously planned use no longer being proposed; and Portions of a Public Sewer Easement recorded 2006 for gravity sewer outfall to existing pump station from upper ridgeline development areas. Portions being requested to be vacated are for the purposes of realigning to another location to accommodate the current development, the easements are no longer is required in these locations. The abandonment of these easements have been reviewed by all parties with a vested interest in the aforementioned easements and have been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and abandonment of these easements and therefore no facility will be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists and will not negatively affect the public at large within or beyond the proposed subdivision. The abandonment of these easements will allow for a better utilization of land in the development of the community and will result in a greater cohesiveness of uses, roads, parks, and other community amenities.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), Building Restricted Easements on Parcel 3 dedicated per Parcel Map No. 17995 recorded on March 10, 1998, Building Restricted Easements on Parcels 4, 8, 16, 19, 21 and 23 dedicated per Parcel Map No. 18504 recorded on July 6, 2000, Building Restricted Easement on Parcel 2 of Parcel Map No. 19546 recorded on August 16, 2004, portions of Public Sewer Easement per Document Recorded on July 20, 2006 as Instrument No. 2006-0512334, of O.R., portions of Road Easement described as Old Road Survey No. 57, Utility Easement per File No. 128937 of O.R. recorded on July 20, 1962, located within the project boundaries as shown in Vesting Tentative Map No. 497492, shall be vacated, contingent upon the recordation of the approved final map for the project and that said Findings are supported by the minutes, map(s), and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), Del Sur Court, located within the project boundaries as shown in Vesting Tentative Map No. 497492, shall be vacated, contingent upon the recordation of the approved

final map for the project and that said Findings are supported by the minutes, map(s), and exhibits, all of which are herein incorporated by reference:

(a) There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The public right-of-way of Del Sur Court, located within the project boundaries as shown in Vesting Tentative Map No. 497492, has been reviewed by all parties with a vested interest in the aforementioned public right-of-way and has been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and vacation of this public right-of-way and therefore no conflict will result which would negatively affect the public at large within the proposed subdivision. Further, the development of Unit 20, Lot 1 with the anticipated senior housing will benefit from the vacation of this public right-of-way through an improved site plan design, circulation, design of architecture, location of recreation amenities and placement of landscaping. Further there is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that is anticipated and the land area which is occupied by the public right-of-way will be put to greater benefit through the vacation of the right-of-way.

(b) The public will benefit from the action through improved use of the land made available by the vacation. The vacation of this public right-of-way has been reviewed by all parties with a vested interest in the aforementioned public right-of-way and has been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and vacation of this public right-of-way and therefore no conflict will result which would negatively affect the public at large within the proposed subdivision. The vacation of this public right-of-way will allow for a better utilization of land in the development of the community and will result in a greater cohesiveness of uses, roads, parks, and other community amenities.

(c) The vacation does not adversely affect any applicable land use plan. The review process by all parties with a vested interest in the aforementioned public right-of-way has determined the vacation of this public right-of-way will be consistent with the goals, policies and direction of the Black Mountain Ranch Subarea I Plan.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The abandonment of the public right-of-way has been reviewed by all parties with a vested interest in the aforementioned public right-of-way and has been determined by all parties with a vested interest that no conflict will occur with the recording of final maps and vacation of this public right-of-way and therefore no facility will be detrimentally affected by the vacation of this public right-of-way or the purpose for which the public right-of-way was acquired and will not negatively affect the public at large within or beyond the proposed subdivision. The vacation of this public right-of-way will allow for a better utilization of land in the development of the community and will result in a greater cohesiveness of uses, roads, parks, and other community amenities.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 497492, Public Right-of-Way Vacation No. 611214 and Easement Vacation No. 590158 is granted to Black Mountain Ranch, LLC, Applicant/Subdivider and Rick Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, that Applicant/Subdivider is directed to work with City staff to ensure that the 5 acre public Community Park is maintained by the Homeowner's Association.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:pev
04/23/09
06/12/09 Rev.
Or.Dept:DSD
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CONDITIONS FOR VESTING TENTATIVE MAP NO. 497492
PUBLIC RIGHT-OF-WAY VACATION NO. 61124
EASEMENT VACATION NO. 590158

BLACK MOUNTAIN RANCH NORTH VILLAGE PROJECT
PROJECT NO. 142244

ADOPTED BY RESOLUTION NO. R-304919 ON MAY 19, 2009

GENERAL

1. This Vesting Tentative Map will expire three years after the effective date of the associated rezone. The Subdivider has entered into the First Amendment to Second Amended and Restated Development Agreement (Development Agreement) adopted by the City Council on August 9, 1988 and as amended on September 13, 1988 and on December 10, 2001 as Document No. 2002-0043111 recorded on January 17, 2002 of O.R. with the City that vests certain rights, rules, regulations, and policies for a period of twenty years, as provided for in Paragraph 5.1 of that Development Agreement. In the event of a conflict between the conditions of this permit and the terms of the Development Agreement, the terms of the Development Agreement will prevail.
2. This Vesting Tentative Map may be developed in phases therefore, permit conditions referencing thresholds such as construction permits, building permits, occupancy permits or final map(s), shall apply on a phase by phase basis, satisfactory to the Development Services Department and City Engineer.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to recording the Final Map, unless otherwise noted.
4. Prior to the issuance of the Final Map(s) taxes must be paid on the property pursuant to Section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map(s) shall conform to the provisions of Planned Development Permit No. 497493/Site Development Permit No. 497494.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall

cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless the settlement is approved by the Subdivider.

7. The Subdivider has reserved the right to record multiple final map(s) over the area shown on the approved Vesting Tentative Map No. 497492. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the vesting tentative map the Subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final map(s), 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.
8. The Subdivider may file multiple final map(s). The Subdivider has requested approval to file final map(s) out of numerical sequence. This request is approved, subject to the provision that the City Engineer may review the off-site improvements in connection with each unit.

ENGINEERING

9. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent private BMP maintenance.
11. 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.
12. 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 [BMP's] on the final construction drawings, in accordance with the approved Water Quality Technical Report.
13. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map is subject to approval by the City Engineer.
14. 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.

15. 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.
16. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual, Document No. 297376, filed November 25, 2002, and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 by Resolution R-296141, satisfactory to the City Engineer. This may require, but not be limited to, installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
17. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
18. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
19. Conformance with the "General Conditions for Tentative Subdivision Map(s)," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. 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. RR-297376.

MAPPING

20. "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]]

21. "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."
22. The Final Map(s) 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.

WATER

23. The Subdivider shall provide acceptable studies in a manner satisfactory to the Director of Public Utilities. The water study shall plan the pressure zone(s) and public water facilities, both potable and recycled, necessary to serve this development, consistent with previously accepted studies in this area. If phasing of development is proposed, then a phasing plan shall be included in the water study indicating how redundancy will be maintained.
24. The Subdivider shall design and construct all public potable and recycled water facilities as required in the accepted water studies for this area, necessary to serve this development and extending to the subdivision boundaries in a manner satisfactory to the Director of Public Utilities. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study and final engineering.
25. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.

26. The Subdivider shall provide CC&R's for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
27. 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. Public water facilities and associated easements, as shown on the approved vesting tentative map Exhibit "A," shall be modified at final engineering to comply with standards. Proposed facilities that do not meet the current standards shall be private.
28. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenances, e.g.: meters, blow offs, valves, fire hydrants, for all public water facilities that are not located within fully improved public right-of-ways, satisfactory to the Water Department Director. Easements shall be located within singles lots, when possible, and not split longitudinally. Vehicular access roadbeds shall be a minimum of twenty feet wide and surfaced with suitable approved material satisfactory to the Director of Public Utilities and the City Engineer.
29. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves shall be fifteen feet; water mains with services or fire hydrants shall be thirty feet with twenty-four feet of paving and full height curbs. Fire hydrants within easements having no curbs or rolled curbs shall have protective posts. Easements, as shown on the approved vesting tentative map, will require modification based on standards and final engineering.
30. 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.
31. For any portion of the subdivision which will have gated access, then the Subdivider shall provide keyed access to the Water Operations Division of the Water Department in a manner satisfactory to the Director of Public Utilities. The City will not be responsible for any issues that may arise relative to the availability of keys.

WASTEWATER

32. Dual 6-inch force mains shall be located in separate trenches or if installed in the same trench, staggered joints are required.

33. 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.
34. The Subdivider shall install all 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.
35. 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.
36. Per State of California Regulations, whether the sewer mains are public or private, adequate separation shall be maintained between the sewer main and all other wet utilities. Sewer mains shall be no closer than ten feet edge to edge from any other utility, structure, or hardscape, e.g.; curbs, medians, planters, and retaining walls. Contact the State of California Department of Public Health for review of the plans and to submit any deviation from standards requests.
37. The Subdivider shall obtain a building permit for any private pump station serving a condominium project or more than one lot.
38. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
39. All private sewer mains shown shall be designed per the Sewer Design Guide and shall be permitted per a public improvement drawing and inspected under the self-certification program. All drawings for small diameter mains designed per the California Plumbing Code shall be stamped and reviewed by a second licensed party as reviewer and shall be inspected under the self-certification program.
40. All on-site sewer facilities outside the public rights-of-way and easements shall be private.

MSCP [Multiple Species Conservation Program]

41. The on-site Multiple Habitat Planning Area shall be conveyed to the City's MSCP preserve through either fee title to the City, or kept in private ownership with a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes.
42. To facilitate conveyance, any Multiple Habitat Planning Area areas to remain in private ownership shall be lotted separately, have a conservation easements or

covenant of easement placed over them and maintained in perpetuity by the Owner/Permittee/Applicant unless otherwise agreed to by the City.

PARKS AND OPEN SPACE

43. Any remedial grading areas or private utilities within the land area designated as future City-owned open space, Parcel 20 of Parcel Map 18504, northerly of Unit 20 shall be lotted out separately as POA lots when these areas are mapped. This may require more lots than shown on the Vesting Tentative Map. These POA lots shall be private open space lots encumbered with a conservation easement. Public trails that cross these private lots shall be within a pedestrian right-of-way or easement upon approval of the Park & Recreation Department, Open Space Division.

TRANSPORTATION

44. Prior to recording the final map(s), the Subdivider shall assure by permit and bond the construction of the following street segments:

Street Camino del Sur is classified as a modified four lane major street with a design speed of 55 mph and shall be constructed with a cross section of 10 foot parkway, 32 foot curb to curb travel way, 38 foot raised median, 32 foot curb to curb travel way and a 10 foot parkway within a 122 foot right-of-way including curb, gutter and sidewalks, satisfactory to the City Engineer.

Streets "AR," "CD," "CF," portions of "AM," "AN," "AY," Paseo del Sur, Potomac Ridge Road and Nicole Ridge Road are classified as a two lane collector streets with a design speed of 30 mph and shall be constructed with 36 foot curb to curb within 60-64 foot right-of-way including curb, gutter and sidewalks, satisfactory to the City Engineer.

A portion of Babcock Street is classified as a two lane local street and shall be constructed with 32 foot curb to curb within 56 foot right-of-way including curb, gutter and sidewalks, satisfactory to the City Engineer.

Maascot Lane is classified as a 2-lane modified collector street with a design speed of 35 mph and shall be constructed with 54 foot curb to curb within 78 foot right-of-way including curb, gutter and sidewalks, satisfactory to the City Engineer.

Babcock Street and Potomac Ridge Road shall be constructed with a 35 foot curb to curb radius cul-de-sac within a 45 foot right-of-way radius including curb, gutter and sidewalks, satisfactory to the City Engineer.

45. Prior to recording of the final map(s), the Subdivider shall assure by permit and bond the construction of un-signalized intersections at the following locations:

Paseo del Sur (east/west) at AR Street (north-south) with one left turn and one through lane eastbound; one left/right turn lane southbound; and one through/right turn lane westbound, satisfactory to the City Engineer.

Paseo del Sur (east/west) at CD St (north-south) with one left/through lane eastbound; one left/right turn lane southbound; and one through/right turn lane westbound, satisfactory to the City Engineer.

Paseo del Sur (east/west) at Potomac Ridge Road (north-south) with one left/through/right turn lane for eastbound, westbound, southbound and northbound lanes, satisfactory to the City Engineer.

Paseo del Sur (east/west) at AT Street (north-south) with one left/through/right turn lane for eastbound, westbound, southbound and northbound lanes, satisfactory to the City Engineer.

AR Street (east/west) at AM Street (north-south) with one left/through/right turn lane for eastbound, westbound, southbound and northbound lanes, satisfactory to the City Engineer.

AR Street (east/west) at AN Street (north-south) with one left turn and one through/right turn lane for eastbound; one left/through/right turn lane for westbound, southbound and northbound lanes, satisfactory to the City Engineer.

AR Street (east-west) at CF Street (north-south) with one left/right turn lane for eastbound; one left/through turn lane for northbound; and one through/right turn lane for southbound lane, satisfactory to the City Engineer.

CD Street (east/west) at AM Street (north-south) with one left/through/right turn lane for eastbound; one left/through/right turn lane for westbound; one left/through/right turn lane for northbound; and one left/through/right turn lane for southbound, satisfactory to the City Engineer.

CD Street (east/west) at AN Street (north-south) with one left/through/right turn lane for eastbound; one left/through/right turn lane for westbound; one left/through/right turn lane for northbound; and one left/through/right turn lane for southbound, satisfactory to the City Engineer.

AT Street (east/west) at Nicole Ridge Road (north-south) with one left/through/right turn lane for eastbound; one left/through/right turn lane for westbound; one left/through/right turn lane for northbound; and one left/through/right turn lane for southbound, satisfactory to the City Engineer.

Potomac Ridge Road (east/west) at AM Street (north-south) with one left/through lane eastbound; one through/right lane westbound; and one left/right turn southbound lane, satisfactory to the City Engineer.

Potomac Ridge Road (east/west) at AN Street (north-south) with one left/through lane eastbound; one through/right lane westbound; and one left/right turn southbound lane, satisfactory to the City Engineer.

Zaslavsky Place (east/west) at CF Street (north-south) with one left/through lane eastbound; one through/right lane westbound; and one left/right turn southbound lane, satisfactory to the City Engineer.

Zaslavsky Place (east/west) at Nicole Ridge Road (north-south) with one through/right lane eastbound; one left/through lane westbound; and one left/right turn northbound lane, satisfactory to the City Engineer.

AT Street (east/west) at Maascot Lane (north-south) with one left/right turn lane eastbound; one through/right turn lane southbound; and one left/through lane northbound, satisfactory to the City Engineer.

Camino San Bernardo (east-west) at Nichole Ridge Road (north-south) with one through/right turn lane northbound; one left/through lane southbound; and one left/right turn lane westbound, satisfactory to the City Engineer.

Camino San Bernardo (east-west) at Maascot Lane (north-south) with one through/right turn lane westbound; one left and one right lane southbound; and one left/through turn lane eastbound, satisfactory to the City Engineer.

Camino del Sur (east/west) at CF Street (north-south) with one through lane, one through/right lane eastbound; two through lanes westbound; and one right turn lane northbound, satisfactory to the City Engineer.

Camino del Sur (east/west) at all project driveways with one through lane, one through/right lane eastbound; two through lanes westbound; and one northbound right turn lane, satisfactory to the City Engineer.

46. Prior to recording the final map(s), the Subdivider shall assure by permit and bond the construction of signalized intersections at the following locations:

Camino del Sur (east/west) at Babcock Street (north/south) with two left turn and two through lanes westbound; one through and one through/right turn lanes eastbound; and one left and one right lanes northbound, satisfactory to the City Engineer.

Camino del Sur (east/west) at AM Street (north/south) with one left turn and two through lanes westbound; one through and one through/right turn lanes eastbound; and one left and one right lanes northbound satisfactory to the City Engineer.

Camino del Sur (east/west) at AN Street (north/south) with one left turn and two through lanes westbound; one through and one through/right turn lanes eastbound; and one left and one right lanes northbound, satisfactory to the City Engineer.

Camino del Sur (east/west) at Paseo del Sur (north/south) with one left turn and two through lanes westbound; one through and one through/right turn lanes eastbound; and one left and one right lanes northbound, satisfactory to the City Engineer.

Paseo del Sur (east/west) at Babcock Street (north/south) with one left and one through/right turn lane westbound; one left/through/right turn lane eastbound, one left and one through/right turn lane southbound; one left/through/right turn lane northbound, satisfactory to the City Engineer.

Paseo del Sur (east/west) at AR Street (north/south) with one left/through/right turn lane for eastbound, westbound, southbound and northbound, satisfactory to the City Engineer.

Paseo del Sur (east/west) at CD Street (north/south) with one left and one through/right turn lane southbound and one left/through/right turn lane eastbound, southbound and northbound, satisfactory to the City Engineer.

Zaslavsky Place (east/west) at Maascot Lane (north/south) with one left and one through westbound, one through/right turn lane eastbound and one left/right turn lane northbound, satisfactory to the City Engineer.

Camino del Sur (north/south) at Cerro Del Sur/Private Street (east/west) with one left turn, one through and one through/right turn lanes northbound and southbound; one left/through/right turn lane eastbound and westbound, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Vesting Tentative Map by the Council of 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.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to 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.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.