

RESOLUTION NUMBER R- 310724  
DATE OF FINAL PASSAGE OCT 18 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE VESTING TENTATIVE MAP  
FOR THE HERITAGE BLUFFS II PROJECT – PROJECT NO.  
319435 [MMRP].

WHEREAS, MARIANNE MILLER, TRUSTEE OF THE MILLER FAMILY TRUST,  
DATED FEBRUARY 12, 2007; MARJORIE CLAYPOOL, TRUSTEE OF THE CLAYPOOL  
REVOCABLE TRUST, DATED SEPTEMBER 17, 2001; JEANETTE SCIUTO, TRUSTEE OF  
THE JASPER AND JEANETTE SCIUTO 1990 TRUST, DATED JUNE 26, 1990; MARION  
ROSE CONCEICAO, TRUSTEE OF THE MARION ROSE CONCEICAO FAMILY TRUST,  
DATED DECEMBER 31, 2013; NANCY PANZA, TRUSTEE OF THE SPINALI TRUST,  
DATED NOVEMBER 29, 1994; MARGARET ANSARA, TRUSTEE OF THE ANSARA  
NOMINEE CALIFORNIA TRUST; PAUL FAZIO, TRUSTEE OF THE SALVATORE FAZIO  
FAMILY TRUST, DATED NOVEMBER 28, 2012; ROBERT LUONGO, AN INDIVIDUAL;  
DOMENIC SCIUTO, TRUSTEE OF THE DOMENIC R. SCIUTO 2011 TRUST; REGINA  
VIRISSIMO, TRUSTEE OF THE VIRISSIMO FAMILY REVOCABLE TRUST 2000;  
JOSEPHINE ORIOL, TRUSTEE OF THE PETER F. AND JOSEPHINE ORIOL 1991 TRUST,  
DATED SEPTEMBER 6, 1991; JOSEPH SCIUTO, TRUSTEE OF THE JOSEPH SCIUTO  
AND BARBARA M. SCIUTO 2001 LIVING TRUST, DATED JUNE 28, 2001; ANGELA  
ANSARA, TRUSTEE OF THE ANGELA ANSARA TRUST 2015, DATED MAY 28, 2015;  
CLIFFORD ANSARA, AN INDIVIDUAL, Subdividers, and GREGORY M. SHIELDS,  
Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map  
No. 1193244 for the subdivision of 169.85-acres and development of 171 dwelling units on the

subject site and to transfer 35 affordable dwelling units to Lot 9, Map No. 15919 in Black Mountain Ranch North Village Town Center and to transfer 14 dwelling units to Lots 12, 13, 18 and 19, Map No. 15919 in Black Mountain Ranch North Village Town Center, including dedication and construction of public roadways both on- and off-site, recordation of a parcel map for proposed parcels A through F within Parcel 3 of Parcel Map 18504, creation of both an on- and off-site Heritage Brodiaea Preserve, dedication both on- and off-site of land into the Multiple Habitat Planning Area as open space and a Multiple Habitat Planning Area Boundary Line Adjustment for the project known as Heritage Bluffs II. The project site is located generally south of Bernardo Center Drive/Carmel Valley Road, west of Interstate 15, in the RS-1-14 and RX-1-1 zones (proposed), (AR-1-1 zone existing), in the Black Mountain Ranch Community Plan area. The property is legally described as the Southwest Quarter of the Southeast Quarter of Section 32, Township 13 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, except all crude oil, petroleum, gas, brea, asphaltum, and all kindred substances and other minerals under and in said land, as reserved in deed recorded May 30, 1960 as Instrument No. 111628 of official records and Government Lots 1 and 2 and the Southeast Quarter of the Northeast Quarter of Section 5, Township 14 South, Range 2 West, San Bernardino Base and Meridian per Official U.S. Survey Plat (1880), in the City of San Diego, County of San Diego, State of California, except all crude oil, petroleum, gas, brea, asphaltum, and all kindred substances and other minerals under and in said land, as reserved in deed recorded May 30, 1960 as Instrument No. 111628 of official records; and

WHEREAS, the Map proposes the Subdivision of a 169.85-acre site into 171 single dwelling unit lots and 17 open space lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on September 8, 2016, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1193244, and pursuant to Resolution No. 4809-PC voted 5:0:0:2 to recommend approval of the Tentative Map; and

WHEREAS, the City Council acknowledges the Subdividers' intention to provide irrevocable offers of dedication of offsite parcels, as shown on the Vesting Tentative Map No. 1193244, and the area of each parcel as expressed in acres at the time of dedication may be less than the area shown on said map due to existing conditions of the land, e.g. existing detention basins, access roads, edge impacts, or other existing conditions which the City will not accept within the land to be dedicated; 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, on October 18, 2016, the City Council of the City of San Diego considered Vesting Tentative Map No. 1193244, and pursuant to San Diego Municipal Code section(s) 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after approval of the above referenced Project by the City Council, but prior to recordation of the Final Map, the ownership of the property changed, necessitating a change in the Project approvals; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1193244:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The site is designated by the Black Mountain Ranch Subarea Plan as Residential and Open Space. The Black Mountain Ranch Subarea Plan's Figure 2.1 identifies the site as one of the "Southeast Perimeter Properties" and Figure 2.2 identifies the site as areas "A" and "B" which allows a total of 220 dwelling units.

The portion of the site currently designated for Open Space by the Black Mountain Ranch Subarea Plan, approximately seventy-three percent, will remain open space and a component of the City's MHPA consistent with the goals and policies of the General Plan Conservation Element. Planned land uses adjacent to the MHPA within the Black Mountain Ranch Subarea Plan include single-family and multi-family residential, as well as active recreation. The subdivision has been designed to minimize impacts and maintain the function of the MHPA. Consistent with the City's MSCP Subarea Plan, Open Space Element of the Black Mountain Ranch Subarea Plan and Conservation Element of the General Plan, the subdivision will prevent drainage from flowing directly into the MHPA; reduce the impact of toxics, noise, and lighting; provide new barriers along the MHPA boundary; establish brush management zones; and limit access to the Black Mountain Ranch Open Space Park to deter off-trail use. The subdivision site plan and design guidelines conform to the MHPA land use adjacency guidelines. The proposed subdivision will support implementation of the Conservation Element of the General Plan through the follow features:

- All homes will be provided with Photo Voltaic systems;
- The project will participate in the Black Mountain Ranch construction waste recycling program;
- Recycled water will be used for site development activities;
- The one significant archaeological site will be preserved in an open space area;
- All common areas and graded slopes will be planted with native and/or drought tolerant vegetation.
- Street trees will support reduction of the urban heat island effect.

The current zoning for the properties is AR-1-1. The Black Mountain Ranch Subarea Plan envisions the zone for Low Density Residential to be RS-1-14. The proposed subdivision

includes a zone change from AR-1-1 to the RS-1-14 and RX-1-1 zones. The combination of zones and proposed densities and uses on the site will implement the Low Density Residential land use designation of the Black Mountain Ranch Subarea Plan. The proposed zoning and clustered development will minimize impacts to natural habitat and the natural landform and reduce encroachment into the City's MHPA. These efforts support implementation of the Open Space and Community Design Elements of the Black Mountain Ranch Subarea Plan.

As outlined in the Black Mountain Ranch Subarea Plan, all Perimeter Properties are required to adopt the design guidelines approved for the Black Mountain Ranch Vesting Tentative Map/Planned Residential Development or develop independent design guidelines in conformance with policies in the Community Design Element of the Black Mountain Ranch Subarea Plan. The independent Design Guidelines provided as a component of the project maintain consistency with the policies of the Black Mountain Ranch Subarea Plan. The Design Guidelines developed for the project will assist to implement the goals of the Community Design Element section A.4 Residential Clusters of the Black Mountain Ranch Subarea Plan by establishing a community identity compatible with the surrounding residential uses and open space system. The Design Guidelines also address section B. Common Design Elements of the Community Design Element by implementing street design standards for local streets, landscape and open space, and signage, lighting and walls.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

While the subdivision complies with the all the zoning and development regulations of the RS-1-14 and RX-1-1 zones related to street frontage, lot size and lot measurements, the project requires one deviation for the distance of buildings to the property line, as allowed by the Planned Development Permit regulations. The Planned Development Permit process is the proper vehicle to request deviations where the topographic and biological constraints and other existing conditions of the site dictate a design response which requires flexibility. The deviation requested is reasonable and will result in a better project in keeping with the purpose and intent of the Planned Development Permit regulations.

The project proposes a deviation from the minimum fifteen foot front yard setback of the RX-1-1 and RS-1-14 Zone development regulations, SDMC Section 131.0431 and 131.0443(b)(1), to allow an average fifteen foot front yard setback throughout the subdivision. The requested deviation will provide for more flexibility by establishing an average front yard setback of fifteen feet. The deviation will encourage more variety in the siting of buildings within the subdivision with front setbacks ranging anywhere from ten to twenty feet and will achieve an overall project average of fifteen feet. In addition, garages facing the street will be setback a minimum twenty feet and other portions of the building may observe a minimum ten foot setback and will achieve an overall project average of fifteen feet.

The purpose of the Planned Development Permit regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations will restrict design options and result in a less desirable project. The intent of the Planned Development Permit regulations is to accommodate, to the greatest extent

possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits. Considered together the deviation will create a more desirable subdivision that is clearly distinguishable from surrounding communities than will be achieved by strict conformance with the development regulations of the applicable zone.

In accordance with the purpose of the Planned Development Permit regulations, deviations from the applicable base zone development regulations may be requested in order to provide flexibility in achieving a zone-equivalent project design that will be consistent with the intent of the base zone. The Project is consistent with the criteria for development design of the Land Development Code Section 143.0410(j) which states: (1) The overall development design should be comprehensive and should demonstrate the relationships of the proposed development on-site with existing development off-site, (2) The scale of the project should be consistent with the neighborhood scale as represented by the dominant development pattern in the surrounding area or as otherwise specified in the applicable land use Plan, (3) Buildings, structures, and facilities on the premises should be well integrated into, oriented towards, and related to, the topographic and natural features of the site, (4) Proposed developments should avoid repetitious development patterns that are inconsistent with the goals of the applicable land use plan, (5) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent structures and development patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated, (6) Larger structures should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques, (7) To the greatest extent possible, landscaping should be used to soften the appearance of blank walls and building edges and enhance the pedestrian scale of the development, (8) Elements such as curbside landscaping, varied setbacks, and enhanced paving should be used to enhance the visual appearance of the development, (9) Roof forms should be consistent in material, design, and appearance with existing structures in the surrounding neighborhood. Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations, and (10) Building material and color palettes should be consistent with applicable guidelines in the applicable land use plan, if provided. The project is consistent with each of the ten criteria for development design of the Planned Development Permit regulations.

Considering the proposed design, including the front yard setback deviation, the subdivision will create a more desirable development that is clearly distinguishable from surrounding communities than will be achieved by strict conformance with the development regulations of the applicable zone and will be consistent with the purpose and intent of the Planned Development Permit regulations.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The project site is located generally south of Bernardo Center Drive/Carmel Valley Road, west of Interstate 15 on the northern slopes of Black Mountain. The site includes a gently sloping,

previously disturbed area and two small drainages. The site is in an area developing with primarily residential development and open space. Single dwelling unit residential neighborhoods are to the north and east of the project site and open space and the Black Mountain Open Space Park is to the south; undeveloped land is to the west. The project site is undeveloped, although several dirt roads and trails traverse portions of the site. Elevations on the site range from 610 feet above mean sea level to 860 feet above mean sea level. Native upland and wetland vegetation occurs on the site.

Seven habitats/vegetation associations occur on the project site: coastal sage scrub, southern mixed chaparral, non-native grassland, native perennial grassland, freshwater marsh, mulefat scrub and riparian forest. Four sensitive habitats under the City of San Diego's MSCP Subarea Plan are present: native perennial grassland (Tier I habitat), coastal sage scrub (Tier II habitat), southern mixed chaparral (Tier IIIA habitat), and nonnative grassland (Tier IIIB habitat). One sensitive plant species Thread-leaved Brodiaea, two sensitive animal species (coastal California gnatcatcher and rufous-crowned sparrow) were observed on the site.

The project required the submission of several technical reports prepared by individuals licensed by the state to practice in their technical specialty. These technical reports were reviewed by city staff also licensed by the state to practice in their technical specialty. The applicant submitted a Geotechnical Investigation prepared by Leighton and Associates, Inc., a Steep Slopes Analysis, prepared by Project Design Consultants, a Conceptual Grading/Drainage Plan Report prepared by Project Design Consultants, a Water Quality Technical Report prepared by Project Design Consultants, a preliminary Drainage Study prepared by Latitude 33 Planning and Engineering, a Cultural and Paleontological Resources Survey Report prepared by RECON Environmental, Inc., an Archaeological Resources Report prepared by RECON Environmental, Inc., and a Biological Resources Technical Report prepared by RECON Environmental, Inc. Review of these technical reports when considered in total indicates the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. Therefore, site is physically suitable for the type and density of 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 (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

As a subdivision in the RS-1-14 and RX-1-1 zones, the design of the subdivision and the proposed improvements complies with the applicable zoning and development regulations of the Land Development Code. The site is approximately 169.85 acres and contains environmentally sensitive lands in the form of biological resources and steep hillsides. The project will mitigate some yet not all impacts. A boundary line adjustment to the MHPA is included with the project which will result in a no net loss of MHPA area.

A MHPA boundary line adjustment is required to preserve *Brodiaea filifolia* (Thread-leaved Brodiaea), avoid impacts to the majority of the non-wetland drainages, maintain a 100-foot-wide setback from a blue-line stream, and to avoid impacts to the mulefat scrub and freshwater habitats currently outside the MHPA boundary. The MHPA boundary line adjustment area to be

removed from the MHPA and the area to be added into the MHPA will be of nearly equal proportion. The boundary line adjustment will result in the removal of 20.47 acres from the existing MHPA on-site, and the addition of 20.5 acres on- and off-site into the MHPA. With implementation of the MHPA boundary line adjustment, the project will create a preserve for Thread-leaved Brodiaea; preserve all onsite wetlands; avoid impacts to the majority of the non-wetland drainages; maintain a 100-foot-wide setback from the blueline stream; and avoid impacts to the mulefat scrub and freshwater habitats currently outside the MHPA boundary. The project is proposing a compact development footprint to provide greater separation from gnatcatchers using the northern portion of the site and reduce overall edge effects.

The design of the subdivision includes the creation of manufactured slopes all of which will be stabilized and planted with vegetation to prevent erosion through wind or rainfall. The plant species to be used in erosion control will be selected for their variation of rooting depth to provide additional stability to the manufactured slopes in addition to the engineering practices and standards in the excavation and embankment of earthen works. In light of the adherence to strict engineering construction standards, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. As the result of the project features described above, 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.

**5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The design of the subdivision and the type of improvements will not be detrimental to public health, safety and welfare in that the development permit controlling the development and continued use of the subdivision for this site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations, and the inspection of construction to assure construction permits are implemented in accordance with the approved plans, and that the final construction will comply with all regulations. The proposed subdivision will not be detrimental to the health, safety, or general welfare of persons residing or working in the area.

**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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The design of the subdivision, the Project and its related site improvements will not conflict with easements acquired by the public at large for access through or use of property within the



proposed subdivision specifically due to the fact the site contains no easements acquired by the public at large for access through or use of 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The design of the subdivision, the Project and related site improvements, will provide, to the extent feasible, for future passive or natural heating and cooling opportunities. The proposed subdivision of a 169.85 acre parcel into 171 single dwelling unit lots and 17 open space lots will not impede or inhibit any future passive or natural heating and cooling opportunities. Design and construction of the proposed single dwelling unit buildings will not impede or inhibit any future passive or natural heating and cooling opportunities. As a result of the design of the proposed subdivision, each structure to be constructed on the site will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

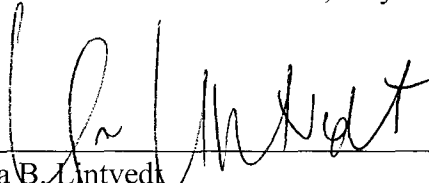
**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The design of the subdivision, the Project and its related site improvements will meet a need in the community for a single dwelling unit community consistent with the Black Mountain Ranch Subarea Plan. The site is designated by the Black Mountain Ranch Subarea Plan as Residential and Open Space. The Black Mountain Ranch Subarea Plan's Figure 2.1 identifies the site as one of the "Southeast Perimeter Properties" and Figure 2.2 identifies the site as areas "A" and "B" which allows a total of 220 dwelling units. The subdivision will be consistent with these land use designations. The Subarea Plan allows 220 dwelling units on the site, including a requirement for 35 affordable units. The effects of the proposed subdivision on the housing needs of the region will be to provide single dwelling housing units into the market and 35 affordable housing units. All public utilities will be available to the project site. The project will improve an unimproved property which in turn will increase the tax base in the community and the cost of any needed public services, such as fire and police protection, will be at least partially offset by the increase to the city's general fund. All environmental resources impacted by the project will be mitigated to the greatest extent possible at the appropriate mitigation ratios adopted by the City of San Diego.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council of the City of San Diego, Vesting Tentative Map No. 1193244 is hereby granted to SPIC DEL SUR, LLC, a Delaware limited liability company, Owner, subject to the conditions included as Attachment A, which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Inga B. Lintvedt  
Deputy City Attorney

IBL:mcm  
September 29, 2016  
November 7, 2016 COR. COPY  
Or.Dept: DSD  
Doc. No.: 1359178\_3

Attachment A: Conditions for Vesting Tentative Map No. 1193244

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 18 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

CITY COUNCIL  
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1193244

HERITAGE BLUFFS II - PROJECT NO. 319435 MMRP

ADOPTED BY RESOLUTION NO. R-310724 ON OCT 18 2016

**GENERAL**

1. This Vesting Tentative Map will expire **OCT 18 2019**
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 1193245 and Site Development Permit No. 1193246.
5. 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 the City and/or any Indemnified Parties 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 and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

6. The Subdivider shall comply with the affordable housing requirements of the City's North City Future Urbanizing Area Framework Plan and the Black Mountain Ranch Subarea Plan, which requires that the project provide twenty percent of the pre-density bonus units as affordable (the "Affordable Housing Requirements").

Project No. 319435  
TM No. 1193244

## **ENGINEERING**

7. The Final Map shall indicate a Homeowners Association maintenance and access easement on Lots 22-33 and 155-160 over the area shown on the vesting tentative map to be graded at 1.5:1 for maintenance and access.
8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. 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.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," 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 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. RR-297376.
11. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
13. 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 (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.

## **MAPPING**

14. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
15. "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."
16. Prior to the expiration of the Vesting Tentative Map, a Final Map to subdivide the 169.85-acre lot into 171 numbered lots and 17 lettered lots shall be recorded in the office of the San Diego County Recorder.

17. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to Section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.
18. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to Section 8801 through 8819 of the California Public Resources Code.
19. 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 meridian (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.

## **PLANNING**

20. Prior to the recordation of the Final Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for biological sensitivity, in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

## **LANDSCAPE/BRUSH MANAGEMENT**

21. Prior to recordation of the Final Map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with the approved 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 SDMC §142.0412 of the Land Development Code."

## **TRANSPORTATION**

22. The Subdivider shall record a visibility easement as appropriate over Lots N, 43, 67, 82, 168, 169 and 171, to the satisfaction of the City Engineer. Appropriate landscaping shall be observed within these visibility easements which will not block drivers' minimum clear sight distance.
23. Prior to recordation of the Final Map, the Subdivider shall demonstrate that Public Street "J" within Black Mountain Ranch East Clusters Unit 2 and 3 has been constructed to Carmel Valley Road as a public street and accepted, to the satisfaction of the City Engineer.
24. Prior to recordation of the Final Map, the Subdivider shall remove the cul-de-sac on Public Street "J" within Black Mountain Ranch East Clusters Unit 2 and 3, to the satisfaction of the City Engineer.
25. Prior to recordation of the Final Map, the Subdivider shall install bollards on the 'Utility and Emergency Fire Access' road on the northern end of the cul-de-sac on Street "D", to the satisfaction of the City Engineer.

## **PARK AND RECREATION**

26. The Subdivider shall irrevocably offer to dedicate in fee to the City of San Diego, Lots "O" & "P" for MHPA open space purposes. At no time will Lots "O" & "P" be encumbered by any deed of trust and shall remain free and clear until at such time the City of San Diego accepts said lots.
27. The Final Map shall place a Recreation Easement over the trails located on private parcel Lots "B," "E" and "G" as shown on the Vesting Tentative Map No. 1193244.

## **MSCP**

28. Prior to the recordation of the Final Map, the Subdivider shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Subdivider shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreement and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City and USFWS and CDFG. The Subdivider shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.
29. Prior to the recordation of the Final Map, the Subdivider shall schedule an inspection with the Park & Recreation Department, Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City acceptance.

## **PUBLIC UTILITIES**

30. Prior to the recordation of a Final Map, the Subdivider shall provide documentation that LAFCO has completed the annexation of the property to the Olivenhain Municipal Water District indicating that sewage from the proposed number of dwelling units will be accepted by the Olivenhain District. These dwelling units will also include any flows discharging through this development from off-site developments.

## **INFORMATION:**

- The approval of this Vesting Tentative Map No. 1193244 by the City 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 § 1531 et seq.).
- If the Subdivider makes any request for new water facilities (including services, and fire hydrants), 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 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 No. 1193244 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 No. 1193244, may protest the imposition within ninety days of the approval of this Vesting Tentative Map No. 1193244 by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider 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 (San Diego Municipal Code § 142.0607).

Internal Order No. 24004059



Passed by the Council of The City of San Diego on OCT 18 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 18 2016.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By Linda Krueger, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310724