

RESOLUTION NUMBER R-288907

ADOPTED ON JUNE 30, 1997

WHEREAS, Pardee Construction Company, Applicant, and Project Design Consultants, Engineer, filed an application with The City of San Diego for a 342-lot vesting tentative map ("VTM"), located south of State Route 56, east and west of Carmel Country Road, and described as portions of Sections 20, 21, 28, and 29, Township 14 South, Range 3 West, SMB, in the Carmel Valley Community Plan area, in the SF-2, SF-3 and OS zones; and

WHEREAS, on June 12, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") recommended City Council approval of VTM No. 96-0736, amending VTM No. 96-0561; and

WHEREAS, the matter was set for public hearing on June 30, 1997, 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 this Council adopts the following findings with respect to VTM No. 96-0736, amending VTM No. 96-0561:

1. The map proposes the subdivision of a 181.0-acre site into 342 lots (327 residential, 4 open space, 2 brush management, and 9 landscape lots) for residential development. This type of development is consistent with the General Plan and the Carmel Valley Community Plan, which designate the area for residential use. The proposed map will retain the community's

character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the SF-2 and SF-3 zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Carmel Valley Planned District (“CVPD”) permit.

b. All lots meet the minimum dimension requirements of the SF-2 and SF-3 zones, as allowed under a CVPD permit.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a CVPD permit.

d. Development of the site is controlled by CVPD Permit No. 96-0736, amending CVPD Permit No. 96-0561.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the type of improvements will not likely cause serious public health problems, inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

7. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. There are no new significant impacts, based upon the findings of the Subsequent EIR No. 96-0736 and 96-0737, which is included herein by this reference.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

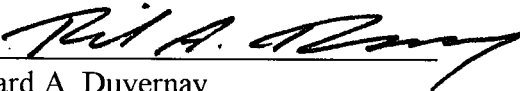
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area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

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained with the modification of deleting condition number 31.d. which is no longer applicable,

and Vesting Tentative Map No. 96-0736, amending VTM No. 96-0561, is hereby granted to Pardee Construction Company, Applicant, and Project Design Consultants, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
09/19/97
Or.Dept:Clerk
R-98-191
Form=tmr.frm
Reviewed by Nick Osler

CITY COUNCIL CONDITIONS TO TENTATIVE MAP 96-0736

1. This tentative map will expire June 30, 2000.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. The final map shall conform to the provisions of Carmel Valley Planned District Permit No. 96-0736 - amending CUP 96-0561.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the vesting tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769635.

5. "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).
6. "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."
7. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
8. The approval of this vesting tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

R- 288907

9. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Section 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map and may impose reasonable conditions relating to the filing of multiple maps, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
10. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
11. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
12. The subdivider must provide a geologic (geotechnical) investigation report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0415 et seq.
13. Under grounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
14. This tentative map is within the Carmel Valley Community, for which a Transportation Phasing Plan has been incorporated in the Public Facilities Financing Plan. Contained within this plan are individual traffic facility improvements. Before predetermined thresholds of development may be exceeded, the City Engineer must be satisfied that these improvements are either:
 - a. completed;
 - b. under contract;
 - c. bonded;
 - d. scheduled and funded for construction in the immediate fiscal year of the City's Capital improvement Program (CIP); or
 - e. scheduled and funded for construction in the immediate fiscal year of the State Transportation Improvement Program (STIP).

The subdivider is advised that issuance of building permits may be limited or otherwise withheld because of unsatisfied thresholds in the phasing plan. The filing of a final map does not guarantee that building permits will be issued for

R- 288907

properties within the final map area. A copy of the Carmel Valley Public Facilities Financing Plan may be viewed or purchased at the office of the Facilities Financing Division.

15. The improvements for this subdivision shall comply with the recommended improvements addressed in the traffic study for Carmel Valley Neighborhood 10, approved June 21, 1993, in a manner satisfactory to the City Engineer.
16. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within the City right-of-way adjacent to and within this subdivision, until such time a landscape maintenance district or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

The subdivider shall obtain an Encroachment Removal Agreement for all landscape and appurtenances, with the City right of way

17. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
18. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
19. Carmel Country Road is classified as a four-lane collector street within a 98-foot wide right-of-way, unless otherwise determined by the approved traffic study. The subdivider shall dedicate a 98-foot wide right-of-way, with additional right of way for turn pockets, and shall provide a minimum of 64 feet of pavement, curb, gutter, five-foot wide sidewalk within a ten-foot curb-to-property-line distance, and a 14 foot raised, landscaped, center median, satisfactory to the City Engineer.

The subdivider shall also dedicate and construct Carmel Country Road off-site from the northerly subdivision boundary, northwesterly to the existing improvements of Carmel Valley Village Unit No. 1, as shown on drawing 22046-30-D, satisfactory to the City Engineer.

The subdivider shall provide U- turn pockets at Sagamore Way (southbound to northbound), the proposed Bougainvillea access (northbound to southbound-TM 89-1296) and at Caminito Clasica (northbound to southbound - entrance to the Palacio Del Mar development).

The subdivider shall provide a median break at the planned Shaw Ridge Road intersection.

20. Cloverhurst Way, (between Greenwillow Lane and Manor Ridge Lane), Derrydown Way, (between Shannon Ridge Way and Cloverhurst Way), Craven

R - 288907

Ridge Way, Sagamore Way and Stone Haven Way (south of Willowmere Lane), are classified as residential streets. The subdivider shall dedicate 60-foot wide rights-of-way and shall provide 40 feet of pavement, curb, gutter, and 4-foot wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

21. Greenwillow Lane (from the westerly lot line of lots 1 and 28 of Unit 4, easterly to the end of the cull-de-sac), Cloverhurst Way (between Manor Ridge Lane easterly to the subdivision boundary), Sterling Grove Lane (from Manor Ridge Lane easterly to the end of the cul-de-sac), Manor Ridge Lane (between Sterling Grove Lane and Timber Branch Way), Timber Branch Way, Spicewood Court, Stone Haven Way (north of Willowmere Lane) Willowmere Lane and Shannon Ridge Lane are classified as residential streets. The subdivider shall dedicate 56-foot wide rights-of-way and shall provide 36 feet of pavement, curb, gutter, and 5-foot wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
22. Greenwillow Lane, (from the westerly lot line of lots 1 and 28 of Unit 4, westerly, to the end of the cu-de-sac), Sterling Grove Lane, (west of Manor Ridge Lane) and Manor Ridge lane, (north of Timber Branch Lane), are classified as residential single loaded streets. The subdivider shall dedicate 43-foot wide rights-of-way and shall provide 28 feet of pavement, curb, gutter, and a 4-foot wide sidewalk within a ten-foot curb-to-property-line distance adjacent to the residential lots and a five-foot-curb-to-property-line distance on the non-loaded side of the street, satisfactory to the City Engineer.
23. The subdivider shall grant an Irrevocable Offer of Dedication from the southerly end of Greenwillow Lane and the northerly end of Shannon Ridge Lane to the "not a part" parcel.
24. The subdivider shall pay a fair share contribution for the future traffic signal at Carmel County Road and Caminito Clasica (entrance to the Palacio Del Mar development).
25. The cul-de-sac at the westerly end of Greenwillow Lane shall have right-of-way radius of 58 feet with a curb radius of 48 feet. All other cul-de-sac shall have a right-of-way radius of 45 feet with a curb radius of 35 feet.
26. The subdivider shall provide pedestrian ramps at all street intersections.
27. All walls, fences and their footings shall be located out side of the City right-of-way.
28. On the final map for this subdivision, a Building Restricted area for Zone One Brush Management, shall be shown on the northerly lots numbered on Greenwillow Lane, the northerly lots on Shannon Ridge Lane, the easterly lots on Stone Haven Way, the south/southwesterly lots on Manor Ridge Lane, the southern lots on Cloverhurst Way, the southerly lots on Derrydown Way, and shall be of varied depths as identified on Exhibit 'A', Brush Management Plan, on

R - 288907

file in the office of the Development Services Department. This area shall be owned and maintained by the property owner(S).

29. Water Requirements:

- a. The subdivider shall cause preparation of an acceptable 610/712 HGL pressure zones water study at a cost not to exceed \$140,000 when the building permit for the 9000th EDU in Carmel Valley is issued, or when the final map for the first unit in this subdivision is filed, whichever later occurs, provided preparation of such water study has not otherwise been assured, in which event subdivider shall be responsible for the subdivider's share of the water study which will be reasonably related in nature and extent to the impacts created by this subdivision.

The water study shall evaluate the existing 610/712 HGL pressure zones and the ability of those zones to provide adequate water capacity to future development in the Carmel Valley area. The water study shall also include phasing thresholds, transmission main sizes and alignments, assignment of responsibility for improvements, and any other facilities required to provide adequate water capacity in the Carmel Valley area. The water study shall be approved by the City Council.

In the event the subdivider advances funds for preparation of a water study, the City shall promptly enter into a participation agreement with subdivider to pay for the City's pro-rata share of the cost of the study, plus interest, no later than the date the water study is delivered to the City or 18 months after the subdivider's disbursement of funds, whichever first occurs. The City shall also promptly establish reimbursement agreements with all other benefitted property owners identified in the study. Pro-rata participation shares shall be determined by the study.

- b. Prior to the preparation of any public improvement drawings, the subdivider shall revise existing water studies for this development, satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development including pressure regulating stations.
- c. The subdivider shall install all facilities identified in the accepted water studies and phasing plans, reasonably related in nature and extent, to the impacts created by this subdivision. The subdivider understands that certain major water facilities may be needed to provide adequate water capacity to the 610/712 HGL area. Some of such facilities may be larger and more extensive than those necessary to solely provide service to this subdivision. The subdivider specifically understands and agrees that building permits and/or occupancy permits may be denied if the water facility infrastructure at any time is inadequate to provide water service to the subdivision. Water facilities, as shown on the approved tentative map, may require modification based on the accepted water studies.

R- 288907

- d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) dwelling units are located on a dead-end main then a looped system shall be installed.

30. Sewer Requirements:

- a. Prior to the preparation of any public improvement drawings, the subdivider shall revise existing sewer studies for this development, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains and to show that the existing and proposed facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- b. The subdivider shall install all facilities as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved tentative map, may require modification base on the accepted sewer study.

31. Water and Sewer Requirements:

- a. The subdivider shall design all public water and sewer facilities to the most current edition of the *City of San Diego Water & Sewer Design Guide*. If facilities do not meet the current standards, then such facilities shall be private.
- b. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each parcel will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer facilities that serve more than one lot. Also, provide private easements for the private facilities.
- c. The subdivider shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.

32. The drainage system proposed for this subdivision, is subject to approval by the City Engineer. The subdivider shall provide detention/desilting basins to the satisfaction of the City Engineer.

R - 288907

33. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
34. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

35. Portions of the project are located in the floodplain of Shaw Valley Creek, which is a tributary of the Carmel Valley Creek, as delineated on Panels 44 & 72 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this vesting tentative map:
 - a. The City of San Diego has received a Conditional Letter of Map Revision (CLOMR), from the Federal Emergency Management Agency dated April 21 1997. The subdivider shall comply with the CLOMR, satisfactory to the City Engineer.
 - b. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
 - c. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures to that same elevation.
 - d. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
 - e. The developer shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.

R - 288907

- f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
 - g. The developer shall provide safety fencing where required by the City Engineer.
 - h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
 - i. The developer shall grant drainage easements, satisfactory to the City Engineer.
 - j. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - k. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects will notify the Development Services of such issuance as soon as it is informed by FEMA.
 - l. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.
36. Open Space Requirements:
- a. All lots deeded to the City for open space shall be free and clear of any private encroachments, private easements, private liens and/or agreements. The lots shall be granted in fee simple at no cost to City.
 - b. All disturbed areas within the proposed open space lots shall be replanted with native plants and not accepted into the City inventory until they are in compliance with the management requirements of EIR No. 91-0834 and approved by the Park and Recreation Manager.
 - c. Manufactured slopes within the proposed open space lots shall be landscaped with native plants and if necessary equipped with temporary irrigation systems.
 - d. Any public storm drains, desilting basins, sewer and/or water lines located in open space lots shall have setback easements including access easements.

 288907

- e. Lots A, B, C and O are to be deeded to the City in fee simple for open space.
 - f. Lots M and N are to have negative open space easements for brush management and shall be owned and maintained by the master Homeowner Association.
 - g. Lots D, E, F, G, H, I, J, K and L shall have landscape maintenance easements if and only if agreed to by the Park and Recreation Manager.
37. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Subsequent Environmental Impact Report (LDR Nos. 96-0736 and 96-0737), satisfactory to the Development Services Director, the City Engineer, and EAS. In addition to the measures listed below, condition numbers 12, 15, 16, 17, 19, 34, 35, and 36 are required by the MMRP as well as the Engineering Department.
- a. Prior to recordation of the final map or issuance of a grading permit, the City Development Services, Transportation Development shall verify that the sidewalks, bicycle lanes, and room for bus stops, as needed, are incorporated in appropriate sections of the amended precise plan and subsequent tentative maps and VTMs. Additionally, the road system and other traffic improvements will conform with the recommended transportation improvement phasing program.
 - b. Prior to recordation of the final map or issuance of a grading permit, written verification that a qualified paleontologist and/or paleontological monitor has been retained to implement a paleontological monitoring program shall be provided to the City. Verification shall be in the form of a letter from the project applicant to the principal planner of the Environmental Analysis Section (EAS) of Development Services. A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in the paleontological monitoring program shall be approved by EAS prior to any preconstruction meetings.
 - c. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The project applicant shall notify EAS of any preconstruction meeting dates, and of the start and end of construction. The requirement for paleontological monitoring shall be noted on the construction plans. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses paleontological collections, and preparing a results report. These duties are defined as follows:

R- 288907

- i. Monitoring. The paleontologist or paleontological monitor shall be on-site during the original cutting of previously undisturbed areas of the sensitive formation to inspect for well-preserved fossils. The paleontologist shall work with the contractor and EAS to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
 - ii. Salvaging. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact the Environmental Analysis Section of the City of San Diego Development Services. EAS must concur with the salvaging methods before construction is allowed to resume.
 - iii. Preparation. Fossil remains shall be cleaned, sorted, cataloged, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
- d. A note shall be included on the grading plans that the above paleontological measures are conditions of approval of grading permits. EAS shall ensure these measures are conditions of the tentative map prior to approval of the tentative map. Prior to issuance of grading permits, EAS and Development Coordination shall review the grading plans to ensure that these measures are on the plans.
- e. The applicant will implement the following mitigation measures:
- i. Prior to the recordation of the final map or issuance of grading permits, the subdivider shall comply with the terms of the Settlement Agreement between Pardee Construction Company and the City of San Diego as it pertains to Neighborhood 10 Plan Amendments.
 - ii. The on-site revegetation of approximately 0.8 acre of the manufactured slopes adjacent to natural open space resulting from the amended VTM adjacent to natural open space will also be required (see Figure 3-5 of the Subsequent EIR). As required in the previously approved revegetation plan for Neighborhood 10 (City of San Diego 1993b) the revegetation will utilize coastal sage scrub plant species suitable for use as habitat for the gnatcatcher and other species which occur in coastal sage scrub. Maintenance and monitoring of the revegetated slopes will be conducted to ensure habitat establishment and determine compliance with success criteria set forth in the revegetation plan (see Appendix G4 of the Subsequent EIR). Implementation of the revegetation plan and the maintenance and monitoring of the revegetated slopes has

R - 288907

been assured through the posting of a bond(s) prior to issuance of the grading and interim habitat loss permits.

- iii. Approval of the amended VTM shall require a brush management plan that minimizes impacts to the habitat quality of the native vegetation nearest development areas which must be thinned for fire protection purposes. Prior to the issuance of the grading and interim habitat loss permits, this condition shall be noted on all future TM's, VTM's, as well as grading and landscape plans. The native vegetation will be trimmed by hand rather than removed altogether, and fuel build-up in the brush management zone surrounding development areas will be reduced by hand clearing away of dead branches and undergrowth rather than periodic discing or grading. To further minimize potential impacts to sensitive plant and wildlife species, brush management activities will not be conducted during the breeding season (between March 1 and August 15). A qualified biologist shall be on-site during brush management activities to ensure that, to the fullest extent possible, brush management activities avoid impacts to sensitive plant species and will not directly impact sensitive wildlife species. In Zone 2, 30 percent native plant cover over 18 inches high shall be retained, and in Zone 3, a 40-60 percent gradient of native plant cover over 18 inches high shall be retained. No non-native planting or irrigation shall be used or allowed in Zone 2 or 3. Ashy spike-moss and San Diego barrel cactus will not be removed while thinning for Zones 2 and 3. The ongoing brush management requirement and continued funding for the biologist will be assured through the future homeowner's association agreement which shall be established by the applicant. Brush management in revegetation areas shall commence at the end of the revegetation monitoring period, or as specified by the revegetation biologist.
- iv. Staking and monitoring of grading activities for the amended VTM by a qualified biologist will also be implemented prior to and during the grading operations to ensure no unanticipated impacts to sensitive habitats or species occur within the areas shown for permanent open space. Prior to clearing or grading of the precise plan, an interim habitat loss permit would need to be obtained.
- v. No clearing or grading of native habitat shall occur during the gnatcatcher breeding season (March 1 - August 15).
- vi. Mitigation for impacts to 0.3 acre of southern willow scrub, include the following:
 - (1) Prior to the issuance of any land development permit or filing of the first final map the subdivider shall retain a qualified revegetation specialist, experienced in southern willow scrub creation and enhancement, approved by the

R- 288907

Manager, Development Services, for the purpose of implementing the southern willow scrub mitigation plan.

- (2) Prior to the issuance of any land development permit or filing of the first final map a detailed southern willow scrub creation/enhancement and monitoring plan containing the components and success criteria outlined in the MMRP shall be prepared.
- vii. Any brushing activity that would impact coastal sage scrub habitat shall not occur during the breeding season (March 1 - August 15) to avoid impacts to breeding California gnatcatchers. The biologist on duty for the applicant/developer shall verify this condition through written notification of the Development Services Director. This condition shall be included on all future TMs, VTMs, and grading and landscaping plans.
- viii. Prior to the issuance of an Interim Habitat Loss Permit and associated grading or pre-grading permit for any portion of the project site, unless City is granted authorization for take of endangered species pursuant to MSCP, the project is required to obtain final concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game that the project is consistent with the NCCP Process and Conservation Guidelines and any subregional mitigation guidelines. If the project is deemed inconsistent with the NCCP Conservation Guidelines, project revisions or additional/enhanced mitigation may be required. A project redesign required to obtain agency concurrence will require reconsideration by the appropriate City decision making body.

Approval of this map/permit does not guarantee approval of a future Interim Habitat Loss Permit which is limited to a 5 percent cumulative loss of coastal sage scrub and gnatcatcher occupied habitat calculated at the grading permit stage.

- ix. Prior to grading permit issuance, a project-specific landscaping plan shall be prepared and approved by the Development Services, Landscape Section. The landscape plan shall be consistent with the City's Landscape Technical Manual. Temporary erosion-control measures to be implemented during construction include planting on disturbed and manufactured slopes within 90 days. Permanent erosion-control measures shall include complete landscaping with drought-tolerant, slope-stabilizing vegetation.
38. Prior to the issuance of any building permits, the developer shall demonstrate compliance with the North City West School Facilities Master Plan. Compliance may be evidenced through either of the following methods: (a) by otherwise

R - 288907

demonstrating the availability of school facilities to accommodate residents of the subdivision; or (b) by participating in the "School Deposit Procedure" alternative, as provided in the Master Plan. A development agreement may be required, as provided in the North City West School Facilities Master Plan to implement the deposit procedure.

39. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Planning Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

40. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.

FOR INFORMATION:

- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Carmel Valley Community Plan area.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Development Services Manager.
- 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.

Q-288907