

| LEED ND PILOT CRITERIA – BMR ESTIMATE | | ● High | ○ NA/ Unknown | ○ Low |
|--|--|--------|------------------|-------|
| Smart Location and Linkage | | | | |
| Prereq 1 | Smart Location | ● | | |
| Prereq 2 | Proximity to Water and Wastewater Infrastructure | ● | | |
| Prereq 3 | Imperiled Species and Ecological Communities | ● | | |
| Prereq 4 | Wetland and Water Body Conservation | ● | | |
| Prereq 5 | Agricultural Land Conservation | | | ○ |
| Prereq 6 | Floodplain Avoidance | ● | | |
| Credit 1 | Brownfield Redevelopment | | | ○ |
| Credit 2 | High Priority Brownfield Redevelopment | | | ○ |
| Credit 3 | Preferred Locations | ● | | |
| Credit 4 | Reduced Automobile Dependence | ● | | |
| Credit 5 | Bicycle Network | ● | | |
| Credit 6 | Housing and Jobs Proximity | ● | | |
| Credit 7 | School Proximity | ● | | |
| Credit 8 | Steep Slope Protection | ● | | |
| Credit 9 | Site Design for Habitat or Wetlands Conservation | ● | | |
| Credit 10 | Restoration of Habitat or Wetlands | ● | | |
| Credit 11 | Conservation Management of Habitat or Wetlands | ● | | |
| Neighborhood Pattern & Design | | | | |
| Prereq 1 | Open Community | ● | | |
| Prereq 2 | Compact Development | ● | | |
| Credit 1 | Compact Development | ● | | |
| Credit 2 | Diversity of Uses | ● | | |
| Credit 3 | Diversity of Housing Types | ● | | |
| Credit 4 | Affordable Rental Housing | ● | | |
| Credit 5 | Affordable For-Sale Housing | ● | | |
| Credit 6 | Reduced Parking Footprint | | ○ | |
| Credit 7 | Walkable Streets | ● | | |
| Credit 8 | Street Network | ● | | |
| Credit 9 | Transit Facilities | ● | | |
| Credit 10 | Transportation Demand Management | | ○ | |
| Credit 11 | Access to Surrounding Vicinity | ● | | |
| Credit 12 | Access to Public Spaces | ● | | |
| Credit 13 | Access to Active Public Spaces | ● | | |
| Credit 14 | Universal Accessibility | ● | | |
| Credit 15 | Community Outreach and Involvement | ● | | |
| Credit 16 | Local Food Production | | ○ | |
| Green Construction & Technology | | | | |
| Prereq 1 | Construction Activity Pollution Prevention | ● | | |
| Credit 1 | Certified Green Buildings | ● | | |
| Credit 2 | Energy Efficiency in Buildings | ● | | |
| Credit 3 | Reduced Water Use | ● | | |
| Credit 4 | Building Reuse and Adaptive Reuse | | | ○ |
| Credit 5 | Reuse of Historic Buildings | | | ○ |
| Credit 6 | Minimize Site Disturbance through Site Design | ● | | |
| Credit 7 | Minimize Site Disturbance during Construction | ● | | |
| Credit 8 | Contaminant Reduction in Brownfields Remediation | | | ○ |
| Credit 9 | Stormwater Management | ● | | |
| Credit 10 | Heat Island Reduction | ● | | |
| Credit 11 | Solar Orientation | ● | | |
| Credit 12 | On-Site Energy Generation | ● | | |
| Credit 13 | On-Site Renewable Energy Sources | ● | | |
| Credit 14 | District Heating and Cooling | | | ○ |
| Credit 15 | Infrastructure Energy Efficiency | ● | | |
| Credit 16 | Wastewater Management | ● | | |
| Credit 17 | Recycled Content in Infrastructure | ● | | |
| Credit 18 | Construction Waste Management | ● | | |
| Credit 19 | Comprehensive Waste Management | ● | | |
| Credit 20 | Light Pollution Reduction | | ○ | |



Rancho Peñasquitos Planning Board Meeting Minutes

November 5, 2008

Attendees: Jon Becker, Bill Diehl, Sudha Garudadri, Wayne Kaneyuki, John Keating, Jim LaGrone, Jeanine Politte, Keith Rhodes, Charles Sellers, Dennis Spurr

Absent: Dan Barker, Joost Bende, Lynn Murphy, Mike Shoecraft,

Community Members & Guests (Voluntary Sign-in): John Spelta, Tuesdee Halperin, Scot Sandstrom, Bill Dumka, Patrick Gorman, Steve Rollins, Sherri Lightner, Darcy Ashley, Doug Ferrell, Patricia (BMR), Russ Olson, Leslie Olson

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1. The meeting was called to order at 7:45 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum was present.
 2. Agenda Modifications:
 - a. Torrey Highlands PFFP was deferred to December 2008 agenda.
 - b. Santa Fe Summit II & III was removed from agenda, continued in LUC.
 3. MINUTES: Corrections were recommended.
Motion: To approve the October 1, 2008 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Becker/Spurr/Approved 9-0-0.
 4. Guests:
 - a. Representatives from Fire Department, Police Department were not present.
 - b. Rancho Peñasquitos Town Council President, Randy Nielsen – RPPB Member, Mike Shoecraft is at Scripps Mercy Hospital; reported on the October Town Council meeting in his absence.
 5. NON-AGENDA, PUBLIC COMMENTS:
 - a. Jimmy Ialla expressed his interest as a property owner, and concerned that the TH PFFP be approved so projects can move forward, hoping for approval at the December meeting. Sellers suggested he talk with Scot Sandstrom about next TH FBA subcommittee meeting.
 - b. Scot Sandstrom inquired to the status of the Bylaws approval, and shared his frustration of not being seated. (Sandstrom was elected to an RPPB seat under the new bylaws which have not been approved by City Council). As a non-seated member, he is concerned about indemnification relating to any involvement he might have with the group prior to being seated. Any attempt to move this forward by Councilman Peter's office is greatly appreciated.
 - c. Clarification – why TH PFFP was pulled from agenda? Sellers stated that the TH PFFP was routed by the city and subsequently routed to participants / developers involved - not allowing enough time to review and provide substantial comments. Diehl stated that the revisions to TH PFFP are project completion date changes, from 2009 to 2011, and there was concern about a statement added pertaining to developer responsibilities.
 - d. Sherri Lightner thanked those who voted for her, has had a great time meeting with constituents and looks forward to working with RPPB and the community. Her office number is 858-454-4764.

6. ANNOUNCEMENTS & INFORMATION ITEMS:

- a. San Diego City Mayoral Office, Stephen Lew – not in attendance
- b. San Diego City Planning & Community Investment Report , Tim Nguyen – not in attendance
- c. San Diego City Council District 1 Report – Nathan Batchelder
Nathan reported that Councilman Peters is pushing last few projects to completion. Looking forward to a smooth transition.
 - Linear Park groundbreaking is tentatively scheduled. 6-8 weeks to complete.
 - Bylaws Update – in docketing various items, Council President Peters, has requested that Planning Staff submit necessary documents to get the Bylaws approved. Mayor’s office is still reviewing all bylaws as one, instead of separating out those with gross deviations. Sellers suggested that if we can’t get it through the present City Council, maybe the new City Attorney will review and possibly approve/sign off on the Bylaws.
 - Torrey Brooke II may not be docketed prior to Peters leaving office.
 - Politte inquired as to how the Peñasquitos Drive repaving celebration went; it was held at corner of Peñasquitos Ct. (end of the completed portion). Politte asked Batchelder to thank City Staff for pushing it through, the community is very grateful.

7. BUSINESS.

- a. **Milazzo Striping** – Keating had not received any information on the project. Sellers noted that the parking lot was being re-striped, adding 5 more parking spaces and the city wanted RPPB to weigh in. Sellers will track down the project information and city staff contact for Keating. Item was pulled from the agenda for further inquiry.
- b. **Torrey Del Mar Stops** – Torrey Del Mar at x-street Kerry Lane, All-Way Stop
Keating has talked with Steve Denny, who stated that an all-way stop was unwarranted. Upon reviewing the intersection, Keating feels it is reasonable for people to expect an all-way stop at this intersection because it is adjacent to the neighborhood park and it would provide improved safety for neighborhood pedestrians. He suggested that upon approval, RPPB submit a letter to the City requesting the additional stop signs to be installed.
 - Patrick Gorman presented pictures of the intersection for the record.
 - Keating added that there would be no crosswalk or additional striping, clarifying the specifics for Gorman.
 - Becker inquired whether the petition specifically recommended 2 additional stop signs. Gorman presented a copy of the petition circulated to residents, specifically requesting the addition of two stop signs to the intersection. He noted that 56% of residents were in favor of the all-way stop; copies of signed petitions were submitted to the City.

Motion: To approve an all-way stop (the addition of two stop signs) at the intersection of Torrey Del Mar & Kerry Lane. M/S/C – Keating/Rhodes/Approved. 10-0-0.

- Keating, Traffic Committee Chair, will email the city as about the approval.
- c. **Park & Rec Project Priority List** – Diehl stated that because Sellers has questions about project priorities, he will prepare a final priority list and recommended fund allocations for the December meeting.
- d. **T-Mobile Yolo Court Project # 142647**– Shelly Kilbourn
Kaneyuki, Vice-Chair of Wireless Committee, stated that at the last committee meeting they voted to deny the project. Sellers added that the reasoning was based on 2 issues: a) lack of sufficiently documenting alternate sites for the project, b) proposed mitigation was not sufficient for the selected site.
Kilbourn, representing T-Mobile, distributed handouts on the proposed project which

would replace an existing light standard, relocating across the cul de sac, and installing wireless on the new light standard. SDG&E requires above ground placement of vents to underground vault. T-Mobile agrees to put equipment underground within the view corridor, vents are behind existing structures so as to not obstruct view. Maps show coverage of proposed and alternative sites (Park Village Rd. and Rumex Lane and on Darkwood Rd. near Rumex Lane).

- Sellers asked Kilbourn to address the view corridor stating that the city is blocking the under grounding of the equipment and the moving of the vents behind existing mailboxes.

- Becker inquired about alternative site location Rumex & Park Village Dr. Kilbourn stated they were looking at the light standard that is approx. 200 ft. from the intersection.

- Keating stated the Darkwood location was at a higher elevation and inquired about other alternative locations, ie. Park Village Elementary, Peñasquitos Creek Park, etc. Kilbourn stated that wireless carriers look at sites with the least resistance to get approved by the city; Process 1 (commercial or industrial – none is the area), Process 2 would be properties in a residential zone, but not residential use (churches, schools, etc.), and the third option is public right of way locations. T-Mobile needs to be able to provide services to its clients in this area.

- Keating, referencing the coverage maps, noted that coverage gets worse as you get down near PQ Creek Park.

- Becker stated his previous experience with dropped calls as a previous T-Mobile client in this area.

- Ed Stewart appreciated all the meetings the local residents were allowed to attend. Not in opposition to cell towers, but they have not seen the alternate sites presented today. Feels they are holding back information about alternate sites they have looked at.

Alternate site coverage maps show great coverage in the canyon where there are no homes. Would prefer that the carrier look at using multiple alternate sites outside of residential areas to gain the coverage that they need. No photos represent Alternate site #2; terrain is higher (elevation) along Park Village Drive than the Yolo Ct. location.

- Alyson Stewart stated, Park Village Rd. has a lot of area where there are no houses, the tower will affect their property values if placed next to homes.

- Becker asked Kilbourn if there is other apparatus that can be hung from multiple existing lights and not be as intrusive, two sites instead of one as suggested by Ed Stewart. Kilbourn stated there is no guarantee that coverage can be achieved with multiple sites. T-Mobile knows that they can achieve coverage with the Yolo Ct. site. Carriers take the path of least resistance and we try that first; Kilbourn recognized that this site is not on that path, but they have exhausted other locations along Park Village Rd. T-Mobile and all wireless carriers are a public utility with required rights to operate and provide services within the community. The easement at Yolo Ct. provides that right.

- Keating clarified that light standard is a street light, not a traffic light.

- Kilbourn stated that separate equipment is required for each site, distance of cabling from equipment vault would reduce signal strength.

- Rhodes asked if multiple sites could be located, ability to direct signals in different directions to gain coverage, and the cost per installing this type of light standard site? Kilbourn stated that antennas are not big and signals can be directed. Each site costs approx. \$250,000 to build, requires equipment at each site.

- Kaneyuki added that subterranean equipment would not be necessary if not in a residential area, reducing the costs of construction.

- Ed Stewart stated that the cost might not be as high if equipment is above ground, but no evidence of costs was provided. The alternate site presented was not the recommended site, Yolo Ct. residents asked for sites where homes were not nearby; felt T-Mobile never studied the sites recommended. Kilbourn stated the alternates were the sites she was directed to look at, may have misunderstood. Sellers reaffirmed that the 2 sites represented were the sites he remembered being requested.
- Rhodes suggested collocating sites with other carriers referencing a site that was proposed at Park Village Elementary school. Sellers said there was large opposition to the project adding that PUSD withdrew the proposal. Kilbourn said that carrier equipment differs and that does not always work.
- Becker, further west on Park Village, the coverage map does not provide complete coverage; is there another site in the works. Kilbourn stated that the next site is on Eclipse which will fill in the coverage.
- Diehl asked if an illumination study had been done so the light would not reflect into windows. Kilbourn stated that the light standard is about 45' away from homes and over the cul de sac.
- Keating clarified that the replacement light standard is a larger, thicker pole, with equipment up at the top. Sellers added that the standard is disbursing light closer to the canyon.
- Mariam Marum who sits on the Scripps Ranch Planning Committee, stated that micro cell sites that fit onto existing light poles are available. Kilbourn stated that only 2 companies provide these devices, distributive antenna systems, to fill in smaller areas of service and are established in the right of way.
- Ed Stewart added that presently there is a micro site on the light standard at Yolo Ct. & Darkwood Rd. (north side); just appeared one day.
- Becker asked that we get a copy of the Eclipse T-Mobile site coverage area to overlay with the alternate #2 site to show capacity meets the carrier's goal. Kilbourn will provide Eclipse coverage area.
- Keating would like to see a master plan of coverage for the whole community (2,500 homes) and not favorable to putting the sites in someone's front yard. Kilbourn stated that the carrier's master plan of coverage area is proprietary; can show us sites they have identified, but not future direction. T-Mobile has done their homework and these are the best sites.
- Sellers stated it is not unreasonable for us to request alternate sites, if we don't think it is a good location or there is significant opposition to the proposed location. He suggested RPPB table this until December allowing Kilbourn time to come back to us with coverage overlay of the Eclipse site with Yolo Ct. and Alternate #1 & #2.
- Spurr recommended per the discussion that the alternate sites presented were not (either incorrect or in dispute) the ones suggested by the Wireless Committee and the residents; we should request that the alternate sites suggested today be reviewed.
- The group agreed; Sellers wanted the request to be clear for Kilbourn and directed the following be emailed to her by Monday 11/10/08 (If she does not receive by 11/10/08, she can ignore) Copy RPPB Secretary for the record:
 - 1) Ed Stewart's alternate site, specific with map
 - 2) Becker's alternate site, specific with map - (NE quadrant of Park Village & Rumex, within the landscaping district)
 - 3) Diehl's request for an illumination study showing where the light shines/disperses. (Rhodes added, an aerial view of the lighting should be

sufficient.)

4) Keating's request that site is not in anyone's yard

- Kaneyuki asked Sellers if the Wireless Committee's original concerns had been addressed? Sellers stated that our additional requests address the need for alternative sites but the physical structure and whether or not it has been mitigated will have to be addressed at the next meeting. Applicant has been clear that they will not reconfigure the equipment other than the compromise of relocating to the subterranean location and if we can get the city to approve the view corridor mitigation.

- Sellers stated, the item is tabled until December.

- e. **Rancho Peñasquitos Pump Station** – Siavash Haghkhah, City of San Diego; Nick Boswell (Brown & Caldwell); Mariam Marum (Landscape Designer), Charles Terry (Sound Engineer), Gutaro Nagahuro (Architect)

Haghkhah stated the design is 100% complete, construction to begin December 2008 and be completed in 2010. Introduced other presenters. Nick Boswell stated the presenters were in attendance to address the concern list generated at the October meeting. City has approved wrought iron fencing as requested by RPPB, instead of the chain link with barbed wire at the top.

Landscaping, Mariam Marum – reviewed plan with a native pallet. Screen 6.5' retaining wall next to driveway provided by large Toyon shrub (15' tall at maturity), a secondary shrub will be next to driveway including Cyanotheris and Mtn. Lilac. Ground cover will be bark mulch. Irrigation will be rotary spray near root balls only with a conventional hard pipe system, not drip irrigation. Shrubs on the canyon side of driveway are lower varieties.

- Becker noted there is a lot of bark in the SW quadrant, asked if more greenery can be positioned into the area? Marum suggested that more Cyanotheris & Mtn. Lilac could be added.

- Leslie Olson asked that Lemonadeberry (7' tall at maturity) not be used – too aggressive /invasive. Marum agreed to replace with Cyanotheris.

- Jody Ferrell requested lower shrubs that won't block their view, intends to remove their wood fencing to view the wrought iron fencing. Marum will remove a couple of the lower trees near the fence line. Boswell stated that the retaining wall will be 6.5' tall and shrubs will screen the wall.

- Kaneyuki asked about the placement of the wrought iron fencing – property line, if Ferrell is removing her fence, then the iron fence is her back fence. Sellers suggested that they engage the same fencing contractor to remove their fence also.

- Kaneyuki asked for clarification that the shrub/trees are being installed to shield the residents opposite the canyon. Boswell stated that the landscaping will shield the structure for others also.

- Ferrell inquired if the slope would be cut/leveled. Boswell said it would stay the same, where the access road is going in.

- Marum will angle from Ferrell's back yard 45° to the retaining wall using lower shrubs instead of the Toyon trees.

Sound, Charles Terry – Conducted the impact study, noise at different locations on the property when all equipment is running. Discussed examples of other types of noise and the decibels; his voice would be approx. 65 dba, bathroom in central portion of your house would be in the 10-35 range, most adult humans don't hear under 30-35 dba. During normal operations, resident won't hear it. Generator noise control includes: silencer on exhaust, silencers on air flow handlers. Added mitigation includes additional

ducting to decrease 20 decibels and reach the required 45 decibel limit. Exhaust noise goes in the direction, upward, from the vents and not sideways to the property lines which can't be input into the noise study program, but he can take into consideration as a reduction in the decibels.

- LaGrone asked about testing upon completion. Boswell stated that the worst case noise scenario, based upon all equipment in use. Will that ever happen? Likelihood is rare. Noise study program runs all scenarios and are within the limits.

- Keating asked about the mitigation monitoring plan requirements. Hahgkhah said the testing will be done upon completion and added monitoring for minimum 1 year (warranty).

- Sellers asked for clarification of decibel measurements at the property line. Rollins stated that the property line is the property line and they spend a lot of time in their yard near the property line.

- Ferrell confirmed the generator was moved to the north side of the building.

- Politte wanted clarification as to what additional mitigation has been done to the 1,000 kilowatt generator since described (with mitigation at 65 decibels) last month? Terry stated that additional inline silencers and materials were added to reduce the noise level to come into line with requirement.

- The vent lid materials (metal & insulation) were sandwiched to significantly reduce noise.

- Politte asked if the lid materials eliminated the additional 20 decibels (October – reported as 65 decibels – 20 higher than requirement)? Terry stated that the ductwork itself was increased substantially to reduce the largest chunk and additionally the lid materials were sandwiched to mitigate the difference.

- Sellers confirmed construction order; build the new, demo the old, put up the fencing, finish with the landscaping.

Architecture. Gutaro Nagahuro – Reviewed color pallet options as suggested by the Crestmont HOA. Concrete building will be 16' high/20' at the roof peak. To create a less industrial look, the exterior surface will be stucco and they toned down the concrete tile roof to a color used on local residences. A wainscot effect is provided by paint color, in shades of green (darker on the lower half of building/lighter on the top portion). Staff agreed to allow the HOA to pick final color pallet.

- Sellers wondered why they were using concrete roof tiles when everyone seems to be replacing roofing materials with synthetic because it is lightweight and absorbs less heat; would it be cheaper to use. Shouldn't there be a synthetic material that is newer technology?

- José Hazim, a member of the project team who lives in the community, added that the team tried to match the Crestmont HOA requirements. Staff stated they went with the city standard material.

- Jody Ferrell requested the roof color be lighter than the rust color depicted in renderings. It was noted that the Crestmont HOA represents some of the surrounding homes, not all. Boswell agreed to change the tile to a lighter shade. The photographs presented homes with various colors of tile roofs, from tans to red. Ferrell will send them colors used on surrounding homes that are more acceptable.

- Keating reminded the design team that RPPB had voiced concerns about the concrete pad around the structure and asked if they had investigated other, more porous materials as we had requested. Boswell stated that the concrete was used for when the heavy cranes are on site to remove equipment from the building. Keating noted that the need for the

cranes decades from now, occasional maintenance, was not a good enough reason. Haghkah stated that the proposed surface is the city standard and that other DG or porous materials were not investigated. Keating noted that natural percolation across all surfaces would be better than runoff and drainage on site as planned into a storm drain or toward the canyon.

- Politte noted that if the cranes were not being used on or set up on the other sides of the building, why couldn't they use DG on the other sides? Boswell stated they have designed for the worst case scenario per the city standard, the trucks would need to be able to drive around the structure and DG is not conducive to the placement of cranes.

- Rhodes discussed roofing materials and people on the roof to pull out the equipment, tiles will be broken and could be an issue/additional expense.

- Politte added that RPPB had requested a copy of the budget (line items) which has not been presented today. The city has agreed to RPPB's request for wrought iron fencing, where did the \$85,000 for the wrought iron fencing come from in the budget? Staff stated that it came from the \$200,000 construction contingency funds.

- Kaneyuki asking about the color schemes presented by the Crestmont HOA, which only represents homes on one side of the property; asked if the other residents were agreeable with the color schemes chosen. Residents present were in agreement.

- Ferrell asked for clarification on the 8' wrought iron fence – Staff said that the top will be angled outward to deter intruders, including the gates. Ferrell stated that she had visited 6 other station sites and noted that some had 5' high wrought iron fences, some chain-link, with and without the angle – does not want to feel like she is living in a penitentiary.

- Sellers stated, as a practical matter, no one would be climbing the fence from these private residences, and that is was a reasonable expectation that the angle of the fencing could be removed where residential lots meet the property. Boswell stated that the city standard is based on Homeland Security requirements and the other sites probably predated Homeland Security standards. Sellers injected that the barbed wire chain link fence was met with the same argument and when RPPB pushed the change to wrought iron, the change was approved.

- José Hazim stated that a 8' masonry wall would be another alternative within the guidelines. Cost of project determines type of fencing chosen.

- Sellers suggested that we add a recommendation to the motion "to look into modifying the fence where there is an adjoining residential property, the fencing be modified to straighten the slanted top portion.

- Rhodes stated that we have accommodated the community with color choices, landscaping materials, and the Homeland Security issue is a qualified concern.

- Sellers stated that our approval lists specific details: landscaping and roofing/colors and add the fencing as a recommendation.

Motion: To approve the Peñasquitos Pump Station Design Build Project as presented subject to the following conditions: 1) roofing color must be acceptable to the community, and 2) landscaping modifications that were presented tonight to accommodate the residents' requests; with the additional recommendation that staff consider modifying the wrought iron fence, no slanted portion, where property adjoins residential lots. M/S/C – Keating/Spurr/Approved 9-0-0.

f. **Black Mountain Ranch North Village CPA/SPA – Bill Dumka**

Sellers read aloud RPPB member Barker's position on the project (see attached) in his absence for the record.

Sellers asked Dumka if he had received a copy of the document "Proposed Actions" (distributed by Montecito representatives, William Diehl of Vertical Infill distributed at the LUC meeting); Dumka agreed that he had. Sellers asked Dumka to briefly summarize what BMR would like RPPB to do and we'll address the "Proposed Actions" document after that.

- Dumka stated that he would ask RPPB to recommend approval of the Subarea Plan Amendments and vested tentative map and related permits for the North Village of Black Mountain Ranch. Sellers inquired if this was subject to the water study; Dumka stated the water study had been completed.

- Keating asked if Dumka was okay with the 2nd access point request; Dumka responded not the details, prefers the motion be stated with the condition to provide 2 points of access and allowing them and the adjacent property owners to negotiate the details.

- Politte read the Land Use Committee motion and vote:

"To approve the BMR North Village Subarea Plan and Amendments with condition of 2 access points for Montecito." 6 in favor-0 against-1 abstention (Sellers)-1 recusal (Becker)

- Sellers asked Becker if that was his understanding of what was agreed to at the LUC meeting – yes, other than that a timetable. Politte noted that there was no discussion of a timetable. Sellers asked Dumka if he can live with that motion as read; responded that he wanted to reserve the right, that negotiations are clearly going to follow based on this requirement.

- Dumka stated that a time table was not an issue noting that they aren't going to deny them access.

- Wm. Diehl stated he was hopeful about a resolution following the previous meetings and discussions; doesn't want to be back at square one. They need BMR to provide the easement so Montecito can build the access road – surety of access.

- Following additional discussion, Rhodes asked if a timeframe of 6 months was agreeable to resolve the issue of a 2nd access point. Parties agreed to accept the timetable.

- Wm. Diehl added that Montecito has been negotiating to purchase the triangle of land where the access point is needed.

Motion: To approve the BMR North Village Subarea Plan and Amendments with condition of 2 access points for Montecito and the condition that the additional access point be resolved within 6 months from November 5, 2008. M/S/C – Rhodes/ Sellers/ Additional discussion.

- Keating wants to be sure that BMR decides the location of the 2nd access point.

- Kaneyuki inquired how long it would take for Montecito to submit plans/application if access is found today? Wm. Diehl stated they have conceptual architecture done, possibly 30 days or as long as 4 months.

Sellers called for the Vote: 8-0-0-1 Recusal (Becker)

8. REPORTS were suspended except the following:

a. Chair Report – Charles Sellers

Read aloud an email about the Ellingham property which had done extensive grading

with the intention to build a vacation flat for guests & the response from Development Services that no permits had been pulled for additional activity by the homeowner. Neighbor expressed that he felt a satisfactory resolution had been reached.

b. Standing Committee Reports:

- Land Use (Jon Becker) –
 - Santa Fe Summit Subcommittee will be meeting again in 2 weeks (tentatively Nov. 19 at 6pm) to complete 4 additional items (architecture, intersection alignments, landscape/screening, articulation). Project has been approved by Planning Dept. RPPB appealed and was recognized; project goes before Planning Commission on Dec. 4th so hopefully we can resolve final issues beforehand and condition that this project never comes back any higher than the 6 stories previously agreed to.

c. Ad Hoc Committee Reports

- Community Funds (Bill Diehl) –
 - TH PFFP meeting with Charlotte Strong, Bill Diehl, Keith Rhodes; Jimmy Ialla noted his interest in attending the meeting (spoke with Batchelder).

The meeting was adjourned at 11:30 pm.

Respectfully submitted by:

Jeanine Politte,
RPPB Secretary.

Approved as presented 12/3/08,
9 in favor – 0 against – 2 abstentions (Barker/Shoecraft).

CITY COUNCIL RESOLUTION NO. - **RESO NO.**
VESTING TENTATIVE MAP NO. 497492, PUBLIC RIGHT-OF-WAY
VACATION NO. 611214 AND EASEMENT VACATION NO. 590158
BLACK MOUNTAIN RANCH NORTH VILLAGE - PROJECT NO. 142244
DRAFT

WHEREAS, BLACK MOUNTAIN RANCH, LLC, Applicant/Subdivider, and RICK ENGINEERING, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map No. 497492, Public Right-Of-Way Vacation No. 611214 and Easement Abandonment No. 590158. The project site is located in the northern portion of the Black Mountain Ranch Subarea Plan and is 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; 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 Section 144.0220 of the Municipal Code of the City of San Diego; 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 condominiums projects as defined in Section 1350 of the civil Code of 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 condominiums projects as defined in Section 1350 of the Civil Code of state of California and is filed pursuant to the subdivision map act. The total number of commercial condominium units is 35; and

WHEREAS, on **HEARING DATE**, the Council 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 Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, 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 Section 125.0440.a and State Map Action 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 (Land Development Code 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 PDP No. 497493 and 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

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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 (Land Development Code Section 125.0440.c and State 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 avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State 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 the Addendum 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 the 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 MHPA with the boundary adjustment. The incorporation of the 2.5 acre trade parcel, identified as Assessors Parcel Number 312-010-3100, into the MHPA 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. State 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 (Land Development Code Section 125.0440.e and State 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 (Land Development Code Section 125.0440.f and State 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

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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 (Land Development Code Section 125.0440.g and State 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 (Land Development Code Section 125.0440.h and State 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

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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.

9. **That said Findings are supported by the minutes, map(s), 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

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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.

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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.

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(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, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 497492, Public Right-Of-Way Vacation No. 611214 and Easement Vacation No. 590158, is hereby granted to BLACK MOUNTAIN RANCH, LLC, Applicant/Subdivider, subject to the following conditions:

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.

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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 and 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 §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 664561.1 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.

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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

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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 (2) fire hydrants or thirty (30) 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

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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 six-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.

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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

41. The on-site MHPA 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 MHPA 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 two 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.

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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.

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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.

INSERT APPROVAL DATE

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.

INSERT APPROVAL DATE

- 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 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- 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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON **HEARING DATE [IN CAPS]**.

APPROVED: JAN GOLDSMITH, City Attorney

By _____
Shannon Thomas
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

R- **INSERT**

Reviewed by John S. Fisher

Job Order No. 400528