

RESOLUTION NUMBER R-295030

ADOPTED ON JUNE 19, 2001

WHEREAS, Black Mountain Ranch Limited Partnership, Applicant, and Rick Engineering Company, Engineer, submitted by an application to the City of San Diego for a 83-lot vesting tentative map (Vesting Tentative Map No. 40-0529 for the West Clusters at Black Mountain Ranch project) and street and easement vacations, located in the northwest corner of the Black Mountain Ranch Subarea, and legally described as Parcels 12 and 14 of Parcel Map 18504, in the Black Mountain Ranch Subarea Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone) which is proposed to be rezoned to the RS-1-8 zone (previously referred to as the R1-40000 zone); and

WHEREAS, on June 7, 2001, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 40-0529, and pursuant to Resolution No. 3148-3-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on June 19, 2001, 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 Vesting Tentative Map No. 40-0529:

1. The map proposes the subdivision of a 99.2-acre site into 83 lots for residential development (70 residential, 4 brush management, 9 Property Owners Association lots). This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Black Mountain Ranch Subarea I Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the RS-1-8 zone (previously referred to as the R1-40000 zone) in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Development/Site Development [PD/SD] permit.

b. All lots meet the minimum dimension requirements of the RS-1-8 zone (previously referred to as the R1-40000 zone), as allowed under a PD/SD 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 PD/SD permit.

d. Development of the site is controlled by Planned Development/Site Development Permit No. 40-0529.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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 proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Report [EIR] No. 96-7902, which is included herein by this reference. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of an Addendum to EIR No. 96-7902 (LDR No. 40-0529), which is included herein by this reference.

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

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

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

10. The property contains right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

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

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), a portion of the public street shown on Old Survey 124, in the City of San Diego, County of San Diego, State of California, in File/Page 77-37, 6557, recorded on September 14, 1977, on file in the office of the County Recorder and a portion of the irrevocable offer of public street dedication, in the City of San Diego, County of San Diego, State of California, granted on Parcel Map No. 17995, on file in the office of the County Recorder, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that portions of the building restricted easements, in the City of San Diego, County of San Diego, State of California, granted on Parcel Map No. 18504, on file in the office of the County Recorder, are no longer needed for the public purpose for which they were granted.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 40-0529 is hereby granted to Black Mountain Ranch Limited Partnership, Applicant, and Rick Engineering Company, Engineer, subject to the conditions attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that in addition, project approval may include a gated entry at Unit 2 West Clusters at Black Mountain Ranch provided that:

1. The applicant constructs three areas for parking and easy access to the public trails at the following locations:

a. South of Unit 2 and north of Unit 1 on the west side of Camino Ruiz and the trail head at this location;

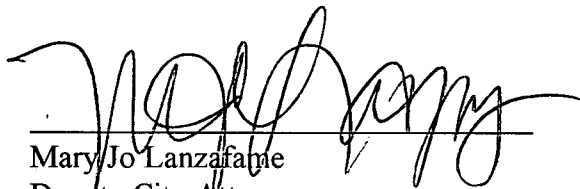
b. In the northern portion of Unit 2 at the westerly end of Street B and the trail head at this location; and

c. Off-site on the north side of Camino del Norte, satisfactory to the City Engineer.

2. The applicant should also provide signs at the gated developments indicating that there is a public, regional trail system that can be accessed by foot through the development (e.g., "Regional Trail System"; "Public Access to Regional Trails").

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:mdw:lc

08/29/01

Or.Dept:Clerk

R-2001-1777

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Reviewed by Mike Westlake

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 40-0529  
WEST CLUSTERS AT BLACK MOUNTAIN RANCH  
ADOPTED BY RESOLUTION NO. R-295030 ON JUNE 19, 2001

1. This tentative map will become effective on the effective date of the associated rezone. Should the rezone be denied, then this vesting tentative map shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within ninety days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final map shall conform to the provisions of Planned Development Permit No. 40-0529.
5. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

6. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
7. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
8. Every final map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

R-295030

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
9. The approval of this 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 Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
10. 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. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, 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.
11. The property being subdivided is non-contiguous property, therefore the subdivider shall record two final maps. 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.
12. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
13. The subdivider must provide a geologic reconnaissance 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 [SDMC] section 62.0415 *et seq.*
14. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code.
15. The street and easement vacations are conditioned upon approval and recordation of a map in accordance with California Government Code section 66434(g).

- The termination of the irrevocable offer of street dedication is conditioned upon approval and recordation of a precise description and drawing in accordance with section 8330, *et seq.* of the California Streets and Highways Code.
16. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as applicable, consistent with the Black Mountain Ranch Subarea 1 Environmental Impact Report (LDR No. 96-7902), satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP (Addendum LDR No. 40-0529) shall be implemented for the following areas: Land Use (MHPA); Biology; Landform Alteration/Visual Quality; Hydrology/Water Quality; Historical Resources (Archaeology); Paleontology; Noise.
  17. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements in accordance with San Diego Municipal Code in a manner satisfactory to the City Engineer.
    - a. Grading plans shall reflect the construction of three (3) parking, staging and turn-around areas for access to the public trail system at the following locations: south of Unit 2 and north of Unit 1 on the west side of Camino Ruiz and the trail head at this location; in the northern portion of Unit 2 at the westernly end of Street B and the trail; and off-site, on the north side of Camino del Norte, satisfactory to the City Engineer.
  18. Prior to the filing of the first final map or the issuance of a grading permit, or any other permit, the subdivider shall provide evidence of compliance with the affordable housing requirements of the North City Future Urbanizing Area Framework Plan and the Black Mountain Ranch Subarea Plan, in a manner satisfactory to the City Manager, and the Executive Director of the Housing Authority of the City of San Diego. Such evidence of compliance shall include execution of an Affordable Housing Agreement with the Executive Director of the Housing Authority that provides security for performance. The subdivider's project is designated for development at very low density, and therefore, is eligible under the in-lieu fee option of the Black Mountain Ranch Subarea Plan to meet the affordable housing requirement in this manner. The Subdivider has stated its intent to pay the then current in-lieu fee for Black Mountain Ranch Subarea as required, at the time of issuance of building permits.
  19. 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 or joint-use agreements for major transmission facilities.

R-295030

20. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
21. The project shall conform to the Black Mountain Ranch/Subarea I Transportation Phasing Plan in the Public Facilities Financing Plan.
22. Camino Ruiz is classified as a four-lane major street. The subdivider shall construct Camino Ruiz as an interim two-lane major street from Street "B" southerly to San Dieguito Road. The subdivider shall dedicate a 122 foot right-of-way and shall provide 40 feet of pavement, a 62 foot median, curb, gutter and 5-foot-wide sidewalks within 10 foot curb to property line distance, satisfactory to the City Engineer.
23. Street "A" is classified as a residential cul-de-sac street. The subdivider shall dedicate a 54 foot right-of-way and provide 34 feet of pavement, curb, gutter and 5 foot wide sidewalks within a 10 foot curb-to-property-line distance. The cul-de-sac shall have a 50 foot curb radius with a 60 foot right-of-way radius, all satisfactory to the City Engineer.
24. Street "B" is classified as a two-lane collector. The subdivider shall dedicate a 60 foot right-of-way and provide 40 feet of pavement, curb, gutter and 5 foot wide sidewalks within a 10 foot curb to property line distance, satisfactory to the City Engineer. The design of Street "B" shall be in accordance with the City's Street Design Manual.
25. Street "F" is classified as a modified collector street. The subdivider shall dedicate a 70 foot right-of-way and provide 50 feet of pavement, curb, gutter and 5 foot wide sidewalks within a 10 foot curb-to-property-line distance. The cul-de-sac shall have a 55 foot curb radius with a 65 foot right-of-way radius, all satisfactory to the City Engineer.
26. Private Streets "A", "C", "D" and "E" are classified as private residential streets. The subdivider shall grant a 54 foot wide general utility easement and provide 34 feet of pavement, curb, gutter and 5 foot wide sidewalks, within a 10 foot curb to general utility easement line distance. The cul-de-sac's shall have a 50 foot curb radius with a 60 foot general utility easement line radius, all satisfactory to the City Engineer.  
  
If gates are denied, Streets "A", "C", "D" and "E" shall be classified as residential streets. The subdivider shall grant a 54 foot wide general utility easement and provide 34 feet of pavement, curb, gutter and 5 foot wide sidewalks, within a 10 foot curb to general utility easement line distance.
27. The subdivider shall construct a traffic signal at the intersection of Camino Ruiz and Street "B", satisfactory to the City Engineer.



28. Where non-contiguous sidewalks are implemented the subdivider shall grant a 5 foot wide general utility easement adjacent to the right-of-way and grading within the easement shall be at a 2 percent fall towards the street.
29. The subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and median improvements, slope re-vegetation and hydro-seeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated June 19, 2001, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
30. The subdivider shall submit for review, a Bonded Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," dated June 19, 2001, on file in the Development Services Department. The approved Bonded Landscape Maintenance Agreement shall be recorded prior to recordation of the final map.
31. The subdivider shall identify on a separate sheet titled Non-title Sheet the brush management areas in substantial conformance with Exhibit "A," dated June 19, 2001, on file in the Development Services Department. These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following shall be provided on the non-title sheet to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the SDMC."
32. Prior to the issuance of any engineering permits for grading, the landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated June 19, 2001, on file in the Development Services Department.
33. Water Requirements:
  - b. Prior to the approval of any public improvement drawings, including grading plans, the subdivider shall provide an acceptable water study satisfactory to the Director of the Water Department. The study shall plan the pressure zone(s) and water facilities necessary to serve this development, including redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a

phasing plan shall be included in the study with any affordable housing site in the first phase.

- c. The subdivider shall design and construct all water facilities as required in the accepted water studies for this area necessary to serve this development in a manner satisfactory to the Director of the Water Department. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies and final engineering.
- d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department and the City Engineer.
- e. The subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards shall be private or redesigned. Public parks and schools shall be served from the public water system.
- f. The subdivider shall install parallel water facilities with a minimum separation of 20 feet satisfactory to the Director of the Water Department.
- g. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment maintenance and removal agreement. No structures or landscaping of any kind shall be installed in or over any easement utilized for access.
- h. The subdivider shall provide evidence, satisfactory to the Director of the Water Department, indicating that each lot will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot.
- i. If on site water facilities are to be public and if it is a gated community, then the subdivider shall provide keyed access to the Water Operations Division in a manner satisfactory to the Director of the Water Department. The City will not be held responsible for any issues that may arise relative to the availability of keys.

- j. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved TM Nos. 98-0261, 98-0250, 99-0329, 96-7676, 88-1041, and 95-0173 including, but not limited to, the completion of the Black Mountain Reservoir and associated pipelines. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

34. Sewer Requirements:

- a. The subdivider shall construct their fair share of the Carmel Valley Trunk Sewer and enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.
- b. Prior to the submittal of any public improvement drawings, including grading plans, the subdivider shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- c. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development and extending to the subdivision boundary. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- d. The subdivider shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. The proposed facilities that do not meet the current standards shall be private or re-designed.
- e. The subdivider shall grant adequate sewer or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way satisfactory to the Director of the Metropolitan Wastewater Department. The minimum easement width for sewer mains with manholes is 20 feet. The easements shall be located within single lots. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 foot wide and paved full width. An additional 5 feet of width per additional utility is required for easements containing more than one utility. For sewer mains more than 10 feet deep, two feet of additional easement width for each foot of depth over 10 feet shall be required.

- f. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
- g. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
- h. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- i. The subdivider shall obtain a building permit for any private pump station serving more than one ownership.
- j. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer mains that serve more than one lot.
- k. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in previously approved developments in the area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved sewer facilities, as required by the City Engineer, will become off-site improvements required for this development.
- l. For public on-site sewer facilities located within a gated community, the subdivider shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Director of the Metropolitan Wastewater Department. The City will not be held responsible for any issues that may arise relative to possession of the keys.
- m. All proposed private sewer facilities that serve more than one lot shall be designed in accordance with the most current edition of the City of San Diego's Sewer Design Guide and will require the preparation and approval of improvement drawings satisfactory to the Director of the Metropolitan Wastewater Department.
- n. Prior to the submittal of any public improvement drawings including grading plans, the subdivider shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department for the sizing, grade and alignment of private sewer facilities, including sewer laterals to the property line, that serve more than one lot.

35. The drainage systems not located within a public street shall be private. Fossil filters or the Best Management Practices [BMP] devices are not permitted within a public drainage system and are subject to approval by the City Engineer.
36. 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.

37. A portion of this project has been identified as being within a floodway or floodplain fringe area. The subdivider shall comply with the following:
  - a. A portion of this project has been identified as being within the Floodway of a Special Flood Hazard Area. No increases to base flood elevations are allowed. A Registered Professional Engineer shall submit a no rise certification along with a detailed engineering analysis to substantiate the certification. The analysis is subject to the approval of the City Engineer.
  - b. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency [FEMA] prior to issuance of grading, engineering, or building permits. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
  - c. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision [LOMR] is obtained from FEMA. The LOMR is issued based upon as-built site conditions, therefore, the

applicant must allow time to complete this process. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

- d. No structures except those allowed by SDMC section 131.0222 (Use Regulations for Open Space Zones) shall be built within the Floodway.
  - e. All structures built within the Special Flood Hazard Area must have the lowest floor elevated two feet above the base flood elevation or if the structure is nonresidential it maybe flood proofed to that same elevation.
  - f. All fill placed within the Special Flood Hazard Area must be compacted to 95 percent relative compaction.
  - g. The developer shall denote on the final map and the improvement plans the following: "Subject to Inundation" on all areas lower than the base flood elevation plus one foot.
  - h. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
  - i. The developer shall grant a flowage easement, satisfactory to the City Engineer.
38. This subdivision is in a community plan area designated in the General Plan as Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

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

39. 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.
40. Subdivider may install a gated entry or gate regulating vehicular, pedestrian, or bicycle access at Unit 2, as shown on Vesting Tentative Map No. 40-0529 may be allowed provided that Permittee construct three (3) parking, staging and turn-around areas for access to the public trail system at the following locations: on the west side of Camino Ruiz and the trail head at this location; in the northern portion of Unit 2 at the westerly end of Street B and

the trail; and off-site, on the north side of Camino del Norte, satisfactory to the City Engineer. The trail heads for the trail system shall be accessible from the parking and staging area.

- a. Permittee shall install and maintain signs at the gated developments indicating that there is a public, regional trail system that can be accessed by foot through the development. The signs shall meet the approval of the City Manager.

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- 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 Director of Building Inspection.
- This vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.