

(R-2002-854)

RESOLUTION NUMBER R-295794

ADOPTED ON NOVEMBER 27, 2001

WHEREAS, Black Mountain Ranch Limited Partnership, Applicant, and Rick Engineering, Engineer, submitted by an application to the City of San Diego for a 1,137-lot vesting tentative map (Vesting Tentative Map No. 40-0528) for the North Village at Black Mountain Ranch project and the vacation of a public right-way, located east of Camino Ruiz and South of Camino Del Norte, and legally described as Parcel 3 of Parcel Map 17795 and Parcels 19, 21, and 23 of Parcel Map 18504, in the Black Mountain Ranch Subarea I Planning area, in the AR-1-1 zone (which is proposed to be rezoned to the RS-1-14, RX-1-2, RM-1-2, RM-1-3, CC-3-5 and CC-4-5 zones); and

WHEREAS, on November 15, 2001, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 40-0528, and pursuant to Resolution No. 3193-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on November 27, 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 it adopts the following findings with respect to Vesting Tentative Map No. 40-0528:

1. The map proposes the subdivision of a 642.09-acre site into 1,797 lots for residential and commercial development (1,655 residential, seven Muti-Unit Residential, one

Commercial, seven Mixed Use, five Employment, six Public Facilities, two Open Space, and 117 Property Owners Association). 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-1-14, RX-1-2, RM-1-2, RM-1-3, CC-3-5 and CC-4-5 zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Development Permit [PDP].

b. All lots meet the minimum dimension requirements of the RS-1-14, RX-1-2, RM-1-2, RM-1-3, CC-3-5 and CC-4-5 zones, as allowed under a PDP.

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 PDP.

d. Development of the site is controlled by PDP No. 40-0528.

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 and commercial 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 and commercial 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, LDR 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 (LDR No. 40-0528) to Environmental Impact Report, LDR No. 96-7902, which is included herein by 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. A portion of Black Mountain Road and Road Survey No. 57 are no longer needed for the public purpose for which they were granted.

11. The building restricted easement over parcels 8, 15, 16, 19 and 23 in Parcel Map 18504 is no longer needed for the public purpose for this it was granted.

12. The property contains a 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), portions of Black Mountain Road, located within the project boundaries as shown in Vesting Tentative Map No. 40-0528, shall be vacated, contingent upon the recordation of the approved final map for the project.

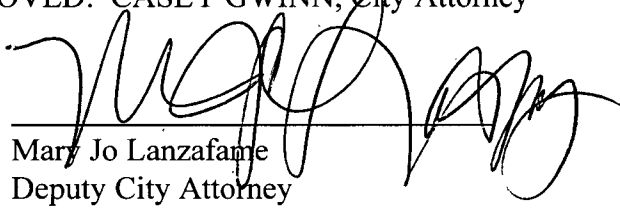
BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 40-0528 is granted to Black Mountain Ranch Limited

Partnership, Applicant, and Rick Engineering, Engineer, subject to the conditions attached hereto and made a part hereof, as modified below:

Condition 44 shall be modified to require that a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan be developed and implemented prior to the commencement of grading.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:lc

02/25/02

Or.Dept:Clerk

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Reviewed by Vicky Gallagher

**CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 40-0528
NORTH VILLAGE AT BLACK MOUNTAIN RANCH
ADOPTED BY RESOLUTION NO. R-295794 ON NOVEMBER 27, 2001**


1. This tentative map will expire three years after the effective date of the associated rezone.

Owner/Permittee has entered into a First Amendment to Second Amended and Restated Development Agreement [Development Agreement] 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. 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 90 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 [PDP] No. 40-0528.
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:

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- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
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 Federal 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 Article 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 subdivider shall file 18 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. Prior to the recordation of the final map or the issuance of any engineering permit for improvement or grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by Land Development Review Geology. The geotechnical investigation must be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports.

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14. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code.
15. 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. 40-0528) shall be implemented for the following areas: Land Use (MHPA); Biology; Landform Alteration/Visual Quality; Hydrology/Water Quality; Historical Resources (Archaeology); Paleontology; Noise.
16. The Affordable Housing Requirements of PDP Permit No. 40-0528 on file with the Development Services Department, are hereby incorporated by reference into this vesting tentative map. Prior to the recordation of the final map, the subdivider shall enter into an agreement with the Executive Director of the Housing Authority of the City of San Diego, or designee and the City Manager of the City of San Diego, or designee. The Affordable Housing Requirements are more thoroughly described through conditions of the accompanying PDP Permit No. 40-0528, such Permit becoming utilized upon filing of the first final map as shown on this Vesting Tentative Map and in the Affordable Housing Program attached as Exhibit "E" to the First Amendment to Second Amended and Restated Development Agreement.
17. 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.
18. The street vacation of a portion of Black Mountain Road is conditioned upon approval and recordation of a final map(s) or parcel map(s) in accordance with the Subdivision Map Act Sections 66434(g) and 66445(j) as appropriate.
19. The street vacation of a portion of Road Survey No. 57 is conditioned upon approval and recordation of a final map(s) or parcel map(s) which states on the map that Road Survey No. 57 is vacated pursuant to City Council Resolution Number R-285404 adopted on October 31, 1995.
20. The vacation of the building restricted easement over parcels 8, 15, 16, 19 and 23 in Parcel Map 18504 is conditioned upon approval and recordation of a final map(s) or parcel map(s) in accordance with the Subdivision Map Act Sections 66434(g) and 66445(j), as appropriate.

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21. The drainage system proposed with this development is subject to approval by the City Engineer.
22. The subdivider shall obtain a bonded grading permit from the City Engineer 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.
23. The project shall conform to the Black Mountain Ranch/Subarea I Transportation Phasing Plan in the Public Facilities Financing Plan, dated September 1998.
24. Camino Ruiz/Camino Del Norte is classified as a 4-lane major street. The subdivider shall dedicate 122 feet of right-of-way and shall provide 64 feet of pavement, a 38 foot median, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
25. Street "AO" is classified as a four-lane urban collector street. The subdivider shall dedicate 94 feet of right-of-way and shall provide 64 feet of pavement, a 10 foot median, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
26. North Village Drive is classified as a modified two-lane collector street. The subdivider shall dedicate 100 feet of right-of-way and shall provide 56 feet of pavement, a 14 foot median, curb, gutter, and a 5 foot wide sidewalk within a 15 foot curb to property line distance, satisfactory to the City Engineer.
27. Street "AQ" from Camino Del Norte to Street "AS" is classified as a three lane collector street. The subdivider shall dedicate 82 feet of right-of-way and shall provide 52 feet of pavement, a 10 foot median, curb, gutter and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
28. Street "R" from Street "Z"/Street "Y" to 100 feet north of Kristen Place is classified as a modified two-lane collector street. The subdivider shall dedicate 100 feet of right-of-way and shall provide 40 feet of pavement, a 40 foot median, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
29. Street "AL" from Camino Del Norte to North Village Drive, Street "AS" from Street "AL" to Lone Quail, Street "CB" from Street "AY" to North Village Drive, Street "AQ" from Street "AS" to North Village Drive, Street "AY" from Street "CB" to street "BL" are classified as a two-lane collector streets with two-way-left-turn-lane. The subdivider shall dedicate 70 feet of right-of-way and shall provide 50 feet of pavement, curb, gutter, and a

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5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.

30. Street "F", Kristen Place from Camino Del Norte to Street "T" and from North Village Drive (south) to Street "R", Street "AL" from North Village Drive to Street "AN", Street "AM", Street "AN", Street "AP", Street "AR", Street "BL", and Street "CB" from North Village Drive to Camino Del Norte are classified as a two-lane collector streets . The subdivider shall dedicate 60 feet of right-of-way and shall provide 40 feet of pavement, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
31. Street "A" thru Street "E", Kristen Place from Street "C" to North Village Drive (south) and from Street "R" to Street "T", Street "CA", Street "CC" , Street "G", Street "I" thru Street "P", Street "R" from Street "K" to 100' north of Kristen Place, Street "R" thru Street "T", Street "W" thru Street "Z", Street "AA" thru Street "AK" as a local residential streets. The subdivider shall dedicate 54/56 feet of right-of-way and shall provide 34/36 feet of pavement, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
32. Street "BO", Street "BP" and Street "BQ" are classified as a local residential streets. The subdivider shall dedicate 48 feet of right-of-way and shall provide 28 feet of pavement, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.
33. The subdivider shall construct traffic signals at the following intersections, satisfactory to the City Engineer:
 - a. Street "AS" and Lane Quail Road.
 - b. Camino Del Norte and Street "AL".
 - c. Camino Del Norte and Street "AQ".
 - d. North Village Drive and Street "AL".
 - e. Camino Del Norte and Street "H".
 - f. North Village Drive with Kristen Place North and Kristen Place West.
 - g. North Village Drive with Kristen Place West.
 - h. Camino Del Norte and Kristen Place.
 - i. North Village Drive and Street "H".
 - j. North Village Drive and Street "AP".
 - k. North Village Drive and Street "AM".
 - l. North Village Drive and Street "CB".
 - m. North Village Drive and Street "R".
 - n. North Village Drive and Street "AO".


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- o. North Village Drive and Camino Ruiz.
 - p. Kristen Place and Street "R".
 - q. Street "AO" and Street "AR".
 - r. Rancho Bernardo Road/Lone Quail Road and Camino Del Norte.
 - s. North Village Drive, and Street "AQ".
 - t. Street "AO" and street "AS".
 - u. Street "AS" and Street "AQ".
 - v. Street "AO" and Camino Del Norte.
34. The subdivider shall install traffic control at non-signalized intersections, satisfactory to the City Engineer.
35. Where non-contiguous sidewalks are implemented the subdivider shall grant 5 foot wide general utility easements adjacent to the right-of-way on both sides of the street and grading within the easement shall be at a 2% fall towards the street.
36. 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 revegetation 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 November 27, 2001, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
37. 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 November 27, 2001, on file in the Development Services Department. The approved bonded Landscape Maintenance Agreement shall be recorded prior to recordation of the (parcel/final map).
38. The subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," dated November 27, 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 note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."

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39. WATER REQUIREMENTS:

- a. The subdivider shall provide acceptable water studies in a manner satisfactory to the Water Department Director. The studies shall plan the pressure zone(s) and public water facilities, both potable and reclaimed, 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.
- b. The subdivider shall design and construct all public potable and reclaimed 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 Water Department Director. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study and final engineering.
- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Marshall, the Water Department Director and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Water Department Director.
- d. The subdivider shall 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.
- e. 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. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or redesigned.
- f. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director. Easements shall be located within single lots, when possible, and not split longitudinally. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Water Department Director and the City Engineer.

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- g. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 15 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs or rolled curbs shall have protective posts per SDW-102. Easements, as shown on the approved tentative map, will require modification based on standards and final engineering.
- h. 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.
- i. If any portion of the subdivision will have gated access, then the subdivider shall provide keyed access to the Water Operations Division in a manner satisfactory to the Water Department Director. 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 development in this area 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.

40. SEWER REQUIREMENTS:

- a. The subdivider shall construct its 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. The subdivider shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, 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 and adjacent areas that cannot gravity sewer to an existing sewer system.
- c. The subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development. Sewer facilities, as shown on the

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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. Proposed facilities that do not meet the current standards shall be private or re-designed.
- e. The subdivider shall grant adequate sewer, and/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 Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes - 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 Metropolitan Wastewater Department Director. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 foot wide and paved full width. An additional 10 feet of easement width for each additional utility is required for easements carrying more than one utility. Sewer mains greater than 10 feet deep will require an additional 2 feet of easement width for each additional foot of depth beyond 10 feet.
- f. No structures or landscaping that would inhibit or prevent access shall be installed in or over any sewer access easement.
- g. No structures or landscaping, including private sewer facilities, storm drains and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and 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 submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of private sewer facilities, including sewer laterals to the property line, that serve more than one lot.
- j. The subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.

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- k. The subdivider shall obtain a building permit for any private pump station serving more than one ownership.
- l. The subdivider shall process and record a NOTICE & AGREEMENT for each ownership being served by a private pump station/sewer facilities which serves more than one ownership, which indemnifies the City and contains an agreement that the applicant, and successors in interest, will be responsible for the operation and maintenance of the private sewer systems.
- m. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of private sewer facilities, including private pump stations and force mains, that serve more than one lot.
- n. Providing sewer for this development is dependent upon prior construction of certain sewer facilities in the previously approved Tentative Map 95-0173. 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.
- o. 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 Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.

41. PARK AND RECREATION:

The developer/owner shall enter into a Park Purchase Agreement and a Park Development Agreement, acceptable to the City Manager, prior to the recordation of the first final map of any Unit within this development. The agreement shall address the following issues.

- a. The park site shown on the approved vested tentative map, Lot 166 of Unit No. 8, is reserved in accordance with Section 66479, et seq., of the California Subdivision Map Act. Provisions of the Act require that the subdivider shall, at the time of the recordation of the first final map within the subdivision, enter into an agreement with the City to acquire the park sites within two (2) years after the completion and acceptance of all public improvements, including but not limited


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to streets, storm sewer, water and sanitary sewer, unless such period of time is extended by mutual agreement. The purchase price shall be the fair market value thereof at the time of the filing of the first substantially complete map, February 1995, plus the taxes against such reserved area from the date of reservation, and any other costs incurred by the developer in the maintenance of such reserved areas, including interest costs incurred on any loan covering such reserved areas. In the event the City does not exercise its option to acquire the park site, the reservation shall automatically terminate.

- b. The Developer shall hire a property appraiser, acceptable to the Real Estate Asset Director, for the purpose of appraising the value of the site as raw, unsubdivided land. The appraiser shall be advised of the appropriate City, or State codes that apply to the park site as a portion of a 4,677.0 acre total parcel. The appraisal shall be completed and approved prior to the filing of the first final map of any unit of this subdivision.

Note: The following information shall be provide to any and all appraisers hired to do work on this project. The City acquires only that portion of the identified lot that is useable park land. Useable is defined as that portion of the property not exceeding a grade of two percent (2.0%). The remaining portion of the lot is assumed to be designated open space and has no established value.

- c. If the developers representative's appraisal and the City's appraisal are not within City guidelines the two appraisers shall appoint a third appraiser acceptable to them. Failure to agree upon the third appraiser, arbitrator, the matter will be determined by the Superior Court of San Diego.
- d. The Developer shall rough grade the park site, Lot 166 of Unit No. 8, to the Park and Recreation Department's specifications of a 2% graded pad and shall construct the contiguous street improvements. The agreement shall defines the method of compensation for the work done on the future park site, including mitigation if required, as established by Facilities Financing. Said agreement shall be approved and signed prior to the filing of the first final map of the subdivision. The final drawings shall show the approved grading and require Park and Recreation Department, Northern Parks Division approval.
- e. The Developer/Owner shall design and construct the park improvements proposed for the neighborhood park. Developer shall enter into a park development agreement, acceptable to the Park and Recreation Department and Facility Financing prior to the recordation of the final map of this subdivision or any portion thereof.

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42. OPEN SPACE REQUIREMENTS:

- a. Lots OS-1 & OS-2 shall be granted to the city, at no cost, for open space. Said lots shall be free and clear of any private easements, private encroachments, private agreements or liens.
 - b. All POA open space lots shall have an open space easement.
 - c. All zones 2 & 3 brush management lots shall have open space easements.
 - d. All trails shall be dedicated, non-motor vehicle right-of-way, except through the city fee owned public park site. The trails width, location, grade and signs shall be satisfactory to the Park and Recreation Director.
43. The drainage system not located within a dedicated street shall be private. Fossil filters and/or the BMP devices are not permitted within a public system and all subject to approval by the City Engineer.
44. 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 prior to 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.
45. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

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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.

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

FOR INFORMATION:

- This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- 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.