

RESOLUTION NUMBER R-295889

ADOPTED ON DECEMBER 11, 2001

WHEREAS, H.G. Fenton, Applicant, and Rick Engineering Company, Engineer, submitted by an application to the City of San Diego for a 26-lot vesting tentative map (Vesting Tentative Map No. 98-1199 for the Fenton-Carroll Canyon Technology Center), the vacation of an Irrevocable Offer of Dedication, and a request for an underground waiver, located east of Interstate 805, south of Mira Mesa Boulevard, and north of Miramar Road, and legally described as Parcels 1, 2, and 3 of Parcel Map 17983, in the Mira Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-5 zone) which is proposed to be rezoned to the IL-2-1 (Industrial) and OR-2-1 (Open Space) zones (previously referred to as the M-1B and OS-OSP zones, respectively); and

WHEREAS, on November 1, 2001, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 98-1199, and pursuant to Resolution No. 3189-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on December 11, 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. 98-1199:

1. The map proposes the subdivision of a 130.9-acre site into 26 lots for industrial development use. This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Mira Mesa Community Plan which designate the area for

industrial 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 proposed IL-2-1 and OR-2-1 zones (previously referred to as the M-1B and OS-OSP zones, respectively) 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 proposed IL-2-1 and OR-2-1 zones (previously referred to as the M-1B and OS-OSP zones, respectively), 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. 98-1199.

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 industrial 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 industrial uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Report [EIR], LDR No. 40-0870, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

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 property contains an Irrevocable Offer to Dedicate in Parcels 1, 2, 3, and 4 of Parcel Map 17983, approved by City Council Resolution No. R-254775, adopted on August 10, 1981, recorded on August 18, 1981 at file/page 81-264056, which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

10. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.

11. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of the San Diego Municipal Code and Council Policy 600-25.

12. The requested waiver qualifies under the guidelines of Council Policy 600-25 in that the facilities to be converted are underbuilt on the 69KV or larger facilities (which is not to be undergrounded) and does not require a substantial number of poles to support solely the facilities requested to be waived.

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), the Irrevocable Offer to Dedicate, located within the project boundaries as shown in Vesting Tentative Map No. 98-1199, shall be vacated, contingent upon the recordation of the approved final map for the project.

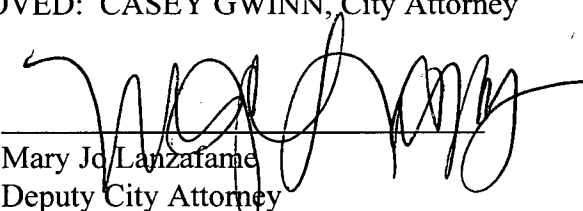
BE IT FURTHER RESOLVED, that the developer will continue to be required to underground any new service run to the proposed structures within the subdivision.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 98-1199 is granted to H.G. Fenton, Applicant, and

Rick Engineering Company, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:lc

03/23/02

Or.Dept:Clerk

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Reviewed by Patricia Grabski

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 98-1199
FENTON-CARROLL CANYON TECHNOLOGY CENTER
ADOPTED BY RESOLUTION NO. R-295889 ON DECEMBER 11, 2001

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. If the rezone or the vacation of the Irrevocable Offer of Dedication are denied then this VTM 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. The final map shall conform to the provisions of Planned Development/Site Development [PD/SD] Permit No. 98-1199.
4. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the 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.

5. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
6. "California Coordinate System" means the coordinate system as defined in Sections 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
7. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other

distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

8. The approval of this 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.).
9. 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.
10. The subdivider is permitted to file up to 4 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.
11. The subdivider must provide a geologic (geotechnical) investigation report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code.
12. A final as-built grading plan must be submitted, reviewed and accepted by the City Engineer prior to Final Map recordation that shows all grading that has taken place on the site. The grading plan shall be for the purpose of depicting the cuts and fill distribution on the property and prepared in a standard format so that the document may be placed in the permanent file.
13. The subdivider shall obtain a bonded grading permit for all grading outside of the Conditional Use Permit limits. All grading shall conform to the requirements in accordance with the San Diego Municipal Code, in a manner satisfactory to the City Engineer.
14. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code. The subdivider is not required to underground the two 12 KV lines that are underbuilt on the 69KV and larger facilities. The subdivider is required to underground the stand alone 12 KV line.

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 termination and abandonment of the irrevocable offer to dedicate in parcels 1, 2, and 3 of Parcel Map 17983 is conditioned upon approval and recordation of a final map(s) or parcel map(s) in accordance with the Subdivision Map Act Section 66477.2 (e); and that, the termination and abandonment of the off-site irrevocable offer to dedicate in parcel 4 of Parcel Map 17983 shall be in accordance with the Streets and Highways Code.
17. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in the Environmental Impact Report LDR No. 40-0870 satisfactorily to the City Manager and City Engineer. Prior to the issuance of any grading or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Noise, Biological Resources, Transportation/Circulation, Air Quality, Hydrology/Water Quality, Geology/Soils and Paleontology.
18. All lighting associated with the Fenton-Carroll Canyon Technology Center, including lighting for the extension of Camino Santa Fe, that is adjacent to or within 100 feet of the Multiple Habitat Planning Area [MHPA] shall be hooded and shielded to direct the light downward and away from the MHPA. Prior to issuance of Grading Permits for Camino Santa Fe and Building Permits for the technology center, a lighting plan shall be reviewed and approved by the City Manager which depicts hooded and/or shielded lighting fixtures and directs all lighting away from native habitats. The lighting plan shall be noted and graphically shown on all building, landscape, and street plans.
19. Prior to issuance of the grading permit, the City Engineer shall review grading plans to ensure drainage shall be directed into the proposed drainage-basins.
20. Prior to issuance of the grading permit, the City Manager shall review and approve the landscape plan to ensure that no non-native plant species shall be located in areas adjacent to the MHPA.
21. Prior to issuance of the grading permit, access to the MHPA, if any, should be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the City Manager.
22. No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, until the following requirements have been met to the satisfaction of the City Manager.

R- 295889

- a. Prior to any construction related activity, the biologist shall survey those areas of the MHPA that are within 500 feet of any proposed construction activity, in accordance with the U.S. Fish and Wildlife Service protocol for determining the presence/absence of California gnatcatchers and shall notify the City Manager of the results. If a survey is not conducted presence shall be assumed and a temporary noise barrier will be required.
 - b. If no California gnatcatchers are found to be present within the MHPA up to 500 feet of any proposed construction related activity, then vegetation clearing and project construction may commence.
 - c. If California gnatcatchers are found to be present within the MHPA, construction related activities within 500 feet shall not commence until temporary noise barrier(s) are placed between construction activity and occupied gnatcatcher habitat. The location of the noise barrier(s) shall be determined by the biologist and acoustical engineer. Construction noise levels shall be monitored at the edge of occupied habitat with noise barrier(s) in place. In consultation with the City Manager, other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A) at the edge of occupied habitat.
 - d. Construction noise shall continue to be monitored twice weekly on varying days, or more frequently depending on construction activity, to verify that noise at the edge of occupied habitat is maintained below 60 dB(A). If not, other measures shall be implemented (in consultation with the City Manager), as necessary, to reduce noise levels to below 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment and limitations on the simultaneous use of equipment.
23. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except

in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

24. The subdivider shall provide adequate corner sight distance at all street intersections specifically but not limited to Camino Santa Fe/Street A, Street A/B and Street A/E. The subdivider shall grant sight visibility easements as required. No trees, slopes, landscape or any other object that would prohibit visibility will be permitted within the easement area.
25. Camino Santa Fe is classified as a 6-lane prime arterial with Class II bike lanes and no parking allowed. It will be 102 ft of pavement in a 122 ft right-of-way (ROW), widening to 112'/132' at its intersection with Street "A" (North), to 112'/132' at its intersection with Street "A" (South), and to 124'/144' at its intersection with Carroll Canyon Road to accommodate additional lanes as specified below. The subdivider shall onsite and offsite dedicate the required ROW and provide pavement, 14-foot raised median, curb, gutter and 5-foot sidewalks within a 10-foot curb-to-property-line distance to connect to the existing improved Camino Santa Fe to the north and south of the property.

Following are the required lane configurations, based on the estimated future turning volumes for the intersections along Camino Santa Fe.

- a. Camino Santa Fe/Street A (North)
 - Northbound - two left turn lanes, three through lanes and a 6' bike lane
 - Southbound - one left turn lane, three through lanes, and a 6' bike lane
- b. Camino Santa Fe/Street A (South)
 - Northbound - two left turn lanes, three through lanes, and a 6' bike lane
 - Southbound - one left turn lane, three through lanes, and a 6' bike lane
- c. Camino Santa Fe/Carroll Canyon Road.
 - Northbound - two left turn lanes, two through lanes, one shared through-right lane and one right turn lane
 - Southbound - two left turn lanes, three through lanes and a 6' bike lane.
26. The alignment of Carroll Canyon Road as shown on the Vesting Tentative Map is not approved. Prior to the construction of the road a separate discretionary permit and a certified environmental document is required, to approve the final alignment and grade of Carroll Canyon Road. This may require, on site and off site, dedication of additional

right-of-way and the vacation of existing Irrevocable Offers of Dedication (street reservations). The subdivider shall enter into a bonded deferred improvement agreement for the future full width construction of Carroll Canyon Road, which includes a 16" water main, the relocation of the existing 24" trunk sewer, storm drain system and all appurtenances within the Vesting Tentative Map boundary. The following are requirements for Carroll Canyon Road:

Carroll Canyon Road west of Camino Santa Fe is classified as a 4-lane major street with Class II bike lanes and no parking allowed (78'/98' cross section). East of Camino Santa Fe, it is classified as a 6-lane prime arterial with Class II bike lanes and no parking allowed (102'/122' cross section). The eastbound approach will widen to 88'/108' at the intersection of Camino Santa Fe/Carroll Canyon Road to accommodate two left turn lanes, two through lanes and a 6' bike lane. The subdivider shall provide appropriate Irrevocable Offer of Dedication (IOD) for the future dedication and improvement of Carroll Canyon Road within the property and provide pavement, 14-foot raised median, curb, gutter and 5-foot sidewalks within a 10-foot curb-to-property-line distance.

27. Street "A" is classified as a two-lane industrial collector street. It will be 50' of pavement in a 70' right-of-way, widening to 74'/94' at its northern and southern intersections with Camino Santa Fe to accommodate the additional lanes described below. The subdivider shall dedicate the required right-of-way and provide pavement, curb, gutter and 5-foot sidewalks within a 10-foot curb-to-property-line distance.
 - a. Camino Santa Fe/Street "A" (North):
 - Eastbound - one left turn lane, one shared left-right lane and one right turn lane (The ultimate configuration is one left turn lane, one through-right lane and one right turn lane.)
 - b. Camino Santa Fe/Street "A" (South):
 - Eastbound - one left turn lane and two right turn lanes (The ultimate configuration is one left turn lane, one through-right lane, and one right turn lane.)
28. Streets B, C, D and E are classified as industrial local streets. The subdivider shall dedicate 64 foot rights-of-way and provide 44 feet of pavement, curb, gutter and 5 foot wide sidewalks within a 10 foot curb-to-property-line distance.
29. The subdivider shall construct traffic signals at the following intersections:
 - a. Camino Santa Fe/Street A (north)
 - b. Camino Santa Fe/Street A (south)

- c. Camino Santa Fe/Carroll Canyon Road
 - d. Camino Santa Fe/Trade Street
 - e. Camino Santa Fe/Flanders Street
30. The subdivider shall interconnect all existing and proposed traffic signals from Carroll Road to Mira Mesa Boulevard.
 31. A minimum sight distance easement of 550' (in both directions) shall be maintained for Street "A" at its southerly intersection with Camino Santa Fe.
 32. A minimum sight distance easement of 300' shall be maintained for Streets "B" and "E" at their intersections with Street "A".
 33. Additional traffic controls may be required at the intersections of Street "A" with Streets "B" through "E" upon submittal of construction drawings.
 34. The subdivider shall construct one interim 30 foot driveway for access to the existing processing plant.
 35. The subdivider shall construct guard rails as required by the City Engineer.
 36. The subdivider shall construct pedestrian ramps at all street intersections.
 37. Sewer Requirements:
 - a. Prior to the submittal of any public improvement drawings, including grading plans, the developer shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of proposed public gravity sewer mains (and private gravity sewer mains serving more than one lot) 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.
 - b. The developer 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.

- c. The developer 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.
- d. The developer shall relocate the existing trunk sewer entirely within the Carroll Canyon Road right-of way, per the City of San Diego sewer design guide.
- e. The developer 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 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 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.

38. Water Requirements:

- a. Prior to the approval of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Director. The study shall plan the pressure zone(s) and public water facilities, both potable and reclaimed, necessary to serve this development. If phasing of development is proposed, then a phasing plan shall be included in the study indicating how redundancy will be maintained.
- b. The subdivider shall design and construct public water facilities as required in the accepted water study, necessary to serve this development and extending to the subdivision boundaries in a manner satisfactory to the Water Department

Director. Public potable water facilities not analyzed shall have a minimum diameter of 16-inches. 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 Department, the City Engineer, and the Water Department Director. If more than two (2) fire hydrants or thirty (30) equivalent dwelling units are located on a dead-end main then the subdivider shall install adequate facilities to provide a redundant water supply.
 - d. The subdivider shall design and construct necessary public reclaimed water facilities in a manner satisfactory to the Water Department Director. All irrigation services shall be connected to reclaimed water facilities.
 - e. The subdivider agrees to design and construct all proposed public water facilities 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.
 - f. 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 Water Department Director. Vehicular access roadbeds shall be a minimum of 24 feet wide and fully paved. Easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any access easement.
 - g. 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.
39. The drainage system proposed for this subdivision is subject to approval by the City Engineer. Drainage facilities not located in a public street shall be privately maintained. All BMPs shall be privately maintained.

The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.

40. 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.

41. 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.
42. 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 a grading, engineering, or building permits. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
43. 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 for the lot which the LOMR effect. 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.
44. No structures except those allowed by Section 131.0222 (Use Regulations for Open Space Zones) of the Land Development Code shall be built within the Floodway.
45. All structures built within the Special Flood Hazard Area must have the lowest floor elevated 2 feet above the base flood elevation or if the structure is nonresidential it maybe flood proofed to that same elevation.

46. All fill placed within the Special Flood Hazard Area must be compacted to 95 percent relative compaction.
47. The developer shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 1 foot.
48. 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.
49. The developer shall grant a flowage easement, satisfactory to the City Engineer.
50. 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 (if applicable) improvements, slope revegetation and hydroseeding 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, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
51. The subdivider shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Regulations and Landscape Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," on file in the Development Services Department, shall be submitted for review by a Landscape Planner. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map. The subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A," on file in the Development Services Department. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the final map.
52. The subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A," 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."

53. The subdivider shall submit an installation schedule including the qualified landscape representatives' name and phone number, who will be performing the site observations and reporting back to the city in letter form at completion of each phase (phase includes, but not limited to, job start, flat work/foundation, irrigation pressure test, finished grade, planting layout/size and quantity, irrigation coverage test, and a final inspection with the City's landscape inspector).
54. Lot 24 shall be deeded to the City at not cost for open space. The lot shall be free and clear of all private easements, private encroachments, private agreements or liens.
55. Lot 23 will no be accepted in fee. The lot shall have an open space easement and be owned and maintained by the property owner.
56. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the 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.

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 vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.