

(R-2003-464) Cor. Copy  
11/06/02

RESOLUTION NUMBER R-297098

ADOPTED ON SEPTEMBER 24, 2002

WHEREAS, Western Pacific Housing - Torrey Meadows, LLC., Applicant, and Hunsaker and Associates, Engineer, submitted by an application to the City of San Diego for a 142-lot vesting tentative map (Vesting Tentative Map [VTM] No. 99-0518 for the Shaw project) and the vacation of an open space easement, (Open Space Easement Abandonment No. 7094), located east of Torrey Meadows Drive on the north and south sides of State Route 56 [SR-56], westerly of Camino Ruiz, and more particularly described as Parcel B of Parcel Map 6038, in the Torrey Hills Subarea IV Plan area, in the AR-1-1 zone which is proposed to be rezoned to the RM-2-5, RX-1-2, and OC-1-1 zones; and

WHEREAS, on August 1, 2002, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 99-0518, and Open Space Easement Abandonment No. 7094, and pursuant to Resolution No. 3294-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on September 24, 2002, 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. 99-0518:

1. The map proposes the subdivision of a 39.4-acre site into 142 lots (107 single family, four multi family, three private streets, two open spaces, twenty-five building restricted, one future SR-56) for residential development. This type of development is consistent with the General Plan and the Torrey Highlands Subarea IV 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/development regulations of the RM-2-5, RX-1-2 and OC-1-1 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 Residential Development Permit [PRD].

b. All lots meet the minimum dimension requirements of the RM-2-5, RX-1-2 and OC-1-1 zones, as allowed under a PRD.

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 PRD.

d. Development of the site is controlled by Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit No. 99-0518.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 and San Diego Municipal Code [SDMC] section 125.0440(g) regarding the design of the subdivision for future passive or natural heating or 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 or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 99-0518, 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, in as much 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, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

10. A portion of the conservation and open space easement granted to the City of San Diego per document recorded November 22, 1996, as file no. 1996-0593899, is no longer needed for the public purpose for which it is granted.

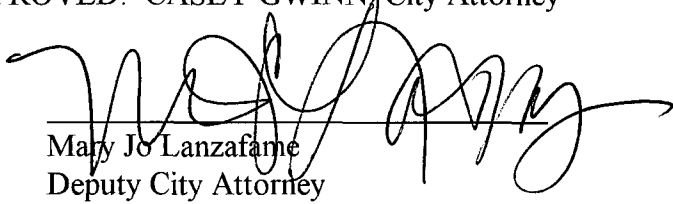
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), a portion of the conservation and open space easement granted to the City of San Diego per document recorded November 22, 1996, as file no. 196-0593899, located within the project boundaries as shown in Vesting Tentative Map No. 99-0518, 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. 99-0518 is granted to Western Pacific Housing -

Torrey Meadows, LLC., Applicant and Hunsaker and Associates, 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:pev

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Or. Dept: Clerk

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Form=tmr-residential frm

Reviewed by Robert Korch

CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO.99-0518  
SHAW PROJECT  
ADOPTED BY RESOLUTION NO. R-297098 ON SEPTEMBER 24, 2002

1. The Vesting Tentative Map will become effective on the effected date of the associated rezone and expire three years thereafter. If the rezone or open space vacation is 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 Residential Development/ Resource Protection Ordinance [PRD/RPO] Permit No. 99-0518.
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 - 297098

- 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 [ESA] and any amendments thereto (16 USC § 1531 et seq.).
10. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404, subsection 2.
11. 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.
12. The subdivider must provide a geological 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.
13. 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.
14. 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.
15. The subdivider is permitted to file up to 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.
16. The subdivider shall provide evidence to ensure that an affirmative marketing program is established.
  17. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in mitigated negative declaration, LDR No. 99-0518 satisfactory to the City Manager and the City Engineer. Prior to issuance of subsequent grading permits, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Paleontology, Biology, Archaeology, Noise, Hydrology/Water Quality, Human Health/Public Safety, and Transportation/Circulation.
  18. 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.
  19. The final map and grading plans shall be submitted to Caltrans review. The subdivider shall submit a letter of project support from Caltrans.
  20. The 100 foot buffer requirements adjacent to SR-56 are not approved as shown on the TM. The 100 foot buffer requirements are subject to Caltrans approval.
  21. The alignment and grade for Torrey Meadows Drive, crossing SR-56 has not been addressed by Caltrans. There may be design issues and construction parameters that may

require project changes to facilitate Torrey Meadows Drive crossing. Caltrans requires specific studies and separate approvals to allow the crossing of State right-of-way.

22. There shall be a notes on the grading plans that state, a) All grading within SR-56 right-of-way shall conform to Section 19 of the California Standard Specifications, b) The subdivider shall contact Caltrans prior to the start of grading for this subdivision. c) The grading for the Torrey Meadows Drive crossing shall have a 95% compaction requirement in advance of structures.
23. The drainage system within Caltrans right-of-way is not approved. All utilities within the SR-56 right-of-way shall be designed satisfactory to Caltrans and the City Engineer.
24. The subdivider shall install all utilities within SR-56 right-of-way, before SR-56 is paved. If Caltrans proceeds prior to the development of this subdivision, the subdivider shall coordinate the construction of the utilities within Caltrans.
25. The approval of this Tentative Map does not constitute the approval of SR-56 alignment and grade nor does it approve the alignment and grade of Camino Ruiz interchange. These final alignments and grades may have an impact on the subject development.  
  
There may be additional impacts to the development for the future construction of a westbound on ramp and auxiliary lane from Camino Ruiz. The location of the future right-of-way has yet to be determined.
26. Noise walls built for mitigating noise or separating the street right-of-way shall be built with a footing capable of supporting at least a 2 foot taller wall than currently proposed.
27. The subdivider shall obtain the appropriate rights of entry permits from Caltrans.
28. The drainage system proposed for this subdivision is private and is subject to approval by the City Engineer.
29. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

R - 297098



A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

30. The subdivider shall provide letters of permission for all offsite grading.
31. The subdivider shall construct traffic signals at the following intersections
  - a. Torrey Meadows Drive and Private Drive Q.
  - b. Torrey Santa Fe and Private Drive A/Torrey Santa Fe Court.
32. The subdivider shall construct the Private Drive Q with a minimum pavement width of 36 feet within a 66-foot wide of parkway.
33. The subdivider shall construct Torrey Santa Fe Road as a standard two-lane collector street with two-way left-turn lane. The subdivider shall dedicate 82 feet of right-of-way and shall provide 52 feet of pavement, curb, gutter and a 5 foot sidewalk within a 15 foot curb to property line distance along the project's frontage, satisfactory to the City Engineer.
34. The subdivider shall construct Torrey Meadows Drive from Torrey Santa Fe to SR-56 bridge as a two-lane collector street . The subdivider shall dedicate 60 feet of right-of-way and shall provide 40 feet of pavement, curb, gutter and a 5 foot sidewalk within a 10 foot curb to property line distance along the project's frontage, satisfactory to the City Engineer. The subdivider shall provide an interim cul-de-sac with a 35 foot curb-to-curb radius within a 40 feet right-of-way at the northeastern end of Torrey Meadows Drive prior to the bridge over SR-56.
35. The subdivider shall construct Torrey Meadows Drive from SR-56 bridge as a two-lane collector street . The subdivider shall dedicate 70 feet of right-of-way and shall provide 40 feet of pavement, curb, gutter and a 5 foot sidewalk within a 15 foot curb to property line distance, then transitioning easterly to a two-lane collector street with two-way left-turn lane along the project's frontage . The subdivider shall dedicate 80 feet of right-of-way and shall provide 50 foot of pavement, curb, gutter and a 5 foot sidewalk within a 15 foot curb to property line distance, satisfactory to the City Engineer. The subdivider shall

provide an interim cul-de-sac with a 35 foot curb-to-curb radius within a 40 foot right-of-way at the western end of Torrey Meadows Drive prior to the bridge over SR-56.

The construction of the interim cul-de-sac shall be coordinated with Fairbanks Country Villas (VTM 99-0329).

36. The subdivider shall design the proposed project to accommodate the planned SR-56 freeway and Torrey Meadows Drive bridge.
37. The subdivider shall provide an adequate sight distance for each court driveway of the Unit 1 residential units. The proposed on-street parking is too close to the court driveways.
38. A minimum of 100' feet is required for Private Drive unit setback to allow for driveway access and parking.
39. Water Requirements:
  - a. The subdivider shall provide an acceptable water study satisfactory to the Water Department Director. The study shall plan the pressure zone(s) and water facilities necessary to serve this development consistent with other accepted studies for Torrey Highlands Subarea IV.
  - b. The subdivider shall provide an acceptable recycled water study satisfactory to the Water Department Director.
  - c. The subdivider shall design and construct all public water facilities, both potable and recycled, as required in the accepted water studies for Shaw Property and the area, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water studies and to maintain redundancy throughout construction phasing.
  - d. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Water Department Director.
  - 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.
- g. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 20 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Easements or lack thereof, as shown on the approved tentative map, will require modification based on standards at final engineering.
- h. The subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, private utilities or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
- i. The subdivider shall design and construct all irrigations systems to utilize reclaimed water in a manner satisfactory to the Water Department Director.
- j. The subdivider shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve or traverse more than one lot or dwelling unit.
- k. If on-site water facilities are to be public and it is a gated development, 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.
- l. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area including, but not limited to, the completion of the water facilities in Camino Ruiz, Torrey Santa Fe Road and Torrey Meadows Drive. 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. Wastewater 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. The construction of the developer's fair share of the Carmel Valley Trunk Sewer must be addressed in the subdivision's environmental analysis document.
- c. The subdivider 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. The sewer study will be consistent with the accepted master plan sewer study Torrey Highlands Subarea IV.
- d. 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 approved tentative map, will require modification based on the accepted sewer study.
- e. The subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
- f. 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 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.

- g. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
  - h. 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.
  - i. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
  - j. 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.
  - k. The subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.
  - l. For public on-site sewer facilities located within a gated community, the developer 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. The vacation of a portion of the conservation and open space easement granted to the City of San Diego per document recorded November 22, 1996, as file no. 1996-0593899, is conditioned upon approval and recordation of a final map in accordance with the Subdivision Map Act section 66434(g).
42. The subdivider shall show the type and location of all post-construction BMP's on the final construction drawings. All runoff from the site shall be filtered/treated for removal of sediment and oil/grease prior to leaving the site. By a separate report, the subdivider shall address the BMP's maintenance schedule, maintenance costs and who will be responsible for the future maintenance and associated costs. The report also need to address water quality. Describe the type of pollutants that will be generated post development, the pollutants to be captured by the BMP's and the quality of the resultant discharge.

43. The Affordable Housing Requirements of PRD Permit No. 99-0518, on file with the Development Services Department, are hereby incorporated by reference into this vesting tentative map. The subdivider shall comply with the affordable element of the Torrey Highlands Subarea Plan. 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 PRD Permit # 99-0518. Such Permit shall become utilized upon recordation of this Tentative Map.
44. A portion of this project has been identified as being within the Floodway of a Special Flood Hazard Area.
  - a. 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 subdivider must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of a grading, engineering, or building permits. The subdivider 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 subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
  - d. No structures except those allowed by SDMC/Land Development Code [LDC] 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 2 feet above the base flood elevation or if the structure is nonresidential it may be flood proofed to that same elevation.

- f. All fill placed within the Special Flood Hazard Area must be compacted to 95% relative compaction.
  - g. The subdivider shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 1 foot.
  - h. The subdivider 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 subdivider shall grant a flowage easement, satisfactory to the City Engineer.
45. Lot 115 and lot 116 shall be deeded to the City, at no cost, for open space. The lots shall be free and clear of all private encroachments, private easements, private agreements and/or liens.
46. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with SDMC section 142.0401 and Landscape Standards, Exhibit "A" Landscape Development Plan, Brush Management Plan, Details and Notes, dated September 24, 2002, on file in the Office of the Development Services Department.
47. All required landscape plant materials shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
48. 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 Standards. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity assumes responsibility such as a home owners association or a Landscape Maintenance District.
49. If any required landscape improvements (including existing or new planting, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within 30 days of damage and prior to any Certificate of Occupancy.

50. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape Improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Tree stakes shall remain in place until trees are planted
  
51. 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.

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 impact fees, as established by the City Council, at the time of issuance of building permits.
  
- 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.
  
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code section 17620, in accordance with procedures established by the Director of Building Inspection.