

RESOLUTION NUMBER R- 299820

ADOPTED ON NOV 09 2004

WHEREAS, The Olson Company, LLC, Applicant/Subdivider, and Project Design Consultants, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 98180, to demolish five existing structures (two commercial buildings and three residences) and construct a 110-unit (11 units affordable at 100% Area Median Income), multi-family development for the Legacy Walk [Project], located on the east side of South 43rd Street, south of Logan Avenue, in the CT-2 and MF-1500 zones and in the Southcrest Neighborhood of the Southeastern San Diego Planning area within the Southeastern San Diego Community Plan. The Vesting Tentative Map includes easement abandonments to abandon a number of public easements on-site that are no longer used. The project site is legally described as set forth in Attachment 1; and

WHEREAS, on September 30, 2004, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 98180, and pursuant to Resolution No. 3575-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on November 9, 2004, 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. 98180:

1. The map proposes the subdivision of a 5.75- acre site into 110 separate condominiums and ownerships. This type of development is consistent with the City of San

Diego's Progress Guide and General Plan and the Southeastern San Diego Community 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 CT-2 and MF-1500 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 Site Development Permit [SDP].

b. All lots meet the minimum dimension requirements of the CT-2 and MF-1500 zones, as allowed under a SDP 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 SDP permit.

d. Development of the site is controlled by SDP Permit No. 98185.

3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based upon the findings of the Addendum to EIR No. 84-0721, which is included herein by this reference.

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

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

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

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

11. There is no present or prospective public use for the easements, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

12. The public will benefit from the action through improved utilization of the land available by the abandonment.

13. The abandonment is consistent with any applicable land use plan.

14. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

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

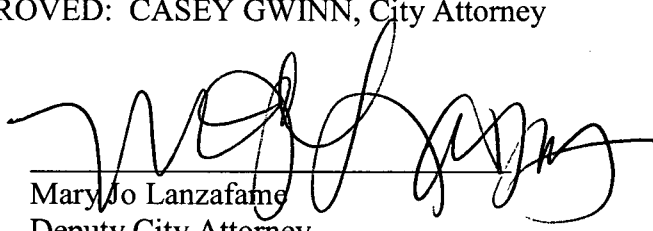
BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the slope easement recorded 23 MAR 1998, Document # 1998-0155848 O.R.; the sewer easement recorded 18 FEB 1946, Book 2054 Page 186 O.R.; the sewer easement recorded 22 DEC 1947, Book 2589 Page 292 O.R; the sewer easement recorded 22 DEC 1947, Book 2589 Page 299 O.R; the sewer easement recorded 22 DEC 1947, Book 2589 Page 302 O.R; and the slope easement recorded 5 AUG 1999, Document # 1999-0541041 O.R located within the project boundaries as shown in Vesting Tentative Map No. 98180, 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. 98180 is granted to the Olson Company, LLC,

Applicant/Subdivider, and Project Design Consultants, Engineer, subject to the attached conditions which are incorporated by reference and made a part of this resolution as Attachment 2.

APPROVED: CASEY GWINN, City Attorney

By

A handwritten signature in black ink, appearing to read 'Mary Jo Lanzafame', written over a horizontal line.

Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
10/25/04
Or.Dept:DSD
R-2005-450

ATTACHMENT 1

Legacy Walk Legal Description - Attachment to Vesting Tentative Map Resolution

PARCEL 1:

THAT PORTION OF THE NORTH HALF OF LOT 4 OF CARUTHER'S ADDITION, BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF EX-MISSION LANDS, AS SURVEYED BY M.C. WHEELER FOR A.E. HORTON, IN JANUARY 1874, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 27, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 1, 1880, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 4 WHICH IS 336.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 4; THENCE WEST ALONG SAID NORTH LINE, 314.00 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, 322.50 FEET, MORE OR LESS, TO THE EAST AND WEST CENTER LINE OF SAID LOT 4; THENCE EAST ALONG SAID EAST AND WEST CENTER LINE 113.00 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID LOT 4, 122.50 FEET; THENCE EAST PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID LOT 5, 49.00 FEET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID LOT 4, 122.50 FEET TO THE EAST AND WEST CENTER LINE OF SAID LOT 4; THENCE EAST ALONG SAID EAST AND WEST CENTER LINE 152.00 FEET, MORE OR LESS, TO A POINT WHICH IS 336.00 FEET WEST OF THE EAST LINE OF SAID LOT 4; THENCE NORTH 322.50 FEET TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM THE INTEREST OF THE CITY OF SAN DIEGO, IN THAT PORTION CONVEYED FOR ROAD PURPOSES BY DEED RECORDED JULY 30, 1923 IN BOOK 751, PAGE 321 OF DEEDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE NORTHERLY 20.00 FEET OF SAID LOT 4, ACCORDING TO SAID MAP NO. 27, SAID LINE BEING ALSO THE SOUTHERLY BOUNDARY LINE OF THE RIGHT OF WAY GRANTED TO THE COUNTY OF SAN DIEGO FOR HIGHLAND AVENUE EXTENSION, ROAD SURVEY NO. 321, AND RECORDED IN VOLUME 500 AT PAGE 364, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID POINT BEING SOUTH 89° 39' 00" EAST, 109.65 FEET AND SOUTH 00° 21' 00" WEST, 20.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 4, ACCORDING TO SAID MAP NO. 27, AND RUNNING THENCE SOUTHWESTERLY FROM SAID POINT OF BEGINNING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 90.00 FEET THROUGH AN ANGLE OF 89° 49' 00" A DISTANCE OF 141.08 FEET TO THE END OF SAID CURVE, BEING A POINT ON THE EASTERLY BOUNDARY LINE OF THE WEST 20.00 FEET OF SAID LOT 4, SAID LAST MENTIONED LINE BEING ALSO THE EASTERLY RIGHT OF WAY LINE OF THE SAID HIGHLAND AVENUE EXTENSION ROAD SURVEY NO. 321; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 00° 32' 00" EAST, PARALLEL TO AND 20.00 FEET DISTANT EASTERLY FROM THE WESTERLY BOUNDARY OF SAID LOT 4 ACCORDING TO SAID MAP, A DISTANCE OF 89.71 FEET TO AN INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE NORTHERLY 20.00 FEET OF SAID LOT AND SOUTHERLY RIGHT OF WAY OF SAID HIGHLAND AVENUE EXTENSION AFORESAID; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 89° 39' 00" EAST PARALLEL TO AND 20.00 FEET DISTANT SOUTHERLY FROM THE NORTHERLY BOUNDARY OF SAID LOT 4, ACCORDING TO SAID MAP A DISTANCE OF 89.71 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT PARCEL 13A, 13B, AND 14A DESCRIBED IN THE DEED TO THE CITY OF SAN DIEGO IN DOCUMENT RECORDED MARCH 23, 1998 AS INSTRUMENT NO. 1998-0155847 OF OFFICIAL RECORDS AND AS DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED AUGUST 5, 1999 AS INSTRUMENT NO. 1999-0541041 OF OFFICIAL RECORDS.

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PARCEL 2:

THAT PORTION OF THE NORTH HALF OF LOT 4 OF CARUTHER'S ADDITION BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF EX-MISSION LANDS AS SURVEYED BY M.G. WHEELER FOR A.E. HORTON, IN JANUARY 1874, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 27, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 1, 1880, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST AND WEST CENTER LINE OF SAID LOT 4 WITH THE WEST LINE OF SAID LOT; THENCE EAST ALONG SAID EAST AND WEST CENTER LINE 113.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID LOT 4, 122.50 FEET; THENCE EAST PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID LOT 4, 49.00 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LOT 4, 122.50 FEET TO THE EAST AND WEST CENTER LINE OF SAID LOT 4; THENCE WEST ALONG EAST AND WEST CENTER LINE, 49.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

THE WEST 71 FEET OF THE EAST 197 FEET OF THE NORTH HALF OF THE SOUTH HALF OF LOT 4 OF CARUTHER'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A SUBDIVISION OF LOT 57, 58, 59 AND 60 EX-MISSION LANDS BEING A SUBDIVISION OF SURVEY BY M.G. WHEELER FOR A.E. HORTON IN JANUARY 1874, ACCORDING TO MAP THEREOF NO. 27, FILED IN RECORDER'S OFFICE OF SAN DIEGO COUNTY, OCTOBER 1, 1880, ALSO THE WEST 71 FEET OF THE EAST 197 FEET OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF SAID LOT 4.

PARCEL 4:

THE SOUTH HALF OF THE SOUTH HALF OF LOT 4 IN BLOCK 60 CARUTHER'S ADDITION, BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF EX-MISSION LANDS, AS SURVEYED BY M.G. WHEELER FOR A.E. HORTON, IN JANUARY 1874, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 27, FILED IN THE COUNTY RECORDER'S OFFICE OCTOBER 1, 1880.

EXCEPTING THEREFROM THE NORTH 10 FEET OF SAID SOUTH ONE-HALF OF LOT 4.

ALSO EXCEPT THAT PORTION LYING WITHIN PARCEL "10A" DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED AUGUST 5, 1999 AS DOCUMENT NO. 1999-0541041 OF OFFICIAL RECORDS.

PARCEL 5:

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF AND OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF LOT 4 OF CARUTHER'S ADDITION, BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF EX-MISSION LANDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SURVEYED BY M.G. WHEELER FOR A.E. HORTON, IN JANUARY 1874, ACCORDING TO MAP THEREOF NO. 27 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 1, 1880 LYING WESTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 266 FEET WESTERLY

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FROM THE EASTERLY LINE OF SAID LOT 4.

EXCEPT THEREFROM THAT PORTION THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF THE SOUTH 28 FEET OF THE NORTH HALF OF THE SOUTH HALF OF SAID LOT 4, WHICH IS DISTANT 75 FEET EASTERLY FROM THE EASTERLY LINE OF HIGHLAND AVENUE, NOW 43RD STREET, AS SAME EXISTED ON FEBRUARY 15, 1932; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID 28 FEET, A DISTANT TO 75 FEET OF SAID EASTERLY LINE OF HIGHLAND AVENUE; THENCE SOUTHERLY ALONG SAID EASTERLY LINE, 38 FEET TO THE SOUTHERLY LINE OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF SAID LOT 4; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID NORTH 10 FEET TO AN INTERSECTION WITH A LINE DRAWN PARALLEL WITH AND DISTANT 100 FEET EASTERLY FROM THE EASTERLY LINE OF HIGHLAND AVENUE, AS ABOVE REFERRED TO; THENCE NORTHERLY ALONG SAID PARALLEL LINE, TO A POINT WHICH IS DISTANT 20 FEET NORTHERLY FROM THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTH HALF OF SAID LOT 4; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION LYING WITHIN PARCEL "12A" DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED AUGUST 5, 1999 AS FILE NO. 1999-0541041 OF OFFICIAL RECORDS.

PARCEL 6:

THE WEST 69 FEET OF THE EAST 266 FEET OF THE NORTH HALF OF THE SOUTH HALF OF LOT 4, CARUTHER'S ADDITION, BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF EX-MISSION LAND AS SURVEYED BY M.C. WHEELER FOR A.E. HORTON, JANUARY 18, 1874, ACCORDING TO MAP THEREOF NO. 27, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 1, 1880. ALSO THE WEST 69 FEET OF THE EAST 266 FEET OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF LOT 4.

PARCEL 7:

A PORTION OF THE NORTH OF THE SOUTH HALF, AND THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF LOT 4 CARUTHER'S ADDITION, BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF EX-MISSION LANDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SURVEYED BY M.G. WHEELER FOR A.E. HORTON IN JANUARY 1874, ACCORDING TO MAP THEREOF NO. 27, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 1, 1880, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE WEST 100 FEET LYING EAST OF HIGHLAND AVENUE NOW 43RD STREET, AS IT EXISTED ON FEBRUARY 13, 1932 OF THE SOUTH 28 FEET OF THE NORTH HALF OF THE SOUTH HALF OF LOT 4 AND THE WEST 100 FEET LYING EAST OF HIGHLAND AVENUE, NOW 43RD STREET, AS IT EXISTED ON FEBRUARY 13, 1932, OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF SAID LOT 4 LYING SOUTHWESTERLY OF THE LOCATION AND PROLONGATION OF A LINE DRAWN FROM A POINT ON THE NORTHERLY LINE, WHICH IS 75 FEET EASTERLY OF THE EASTERLY LINE OF HIGHLAND AVENUE, NOW 43RD STREET, AS IT NOW EXISTS TO A POINT ON THE EASTERLY LINE OF SAID WEST 100 FEET WHICH IS 20 FEET NORTHERLY OF THE SOUTHERLY LINE OF THE NORTHERLY HALF OF THE SOUTHERLY HALF OF LOT 4 OF CARUTHER'S ADDITION.

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EXCEPT THAT PORTION LYING WITHIN PARCEL "11A" DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED AUGUST 5, 1999 AS DOCUMENT NO. 1999-0541041 OF OFFICIAL RECORDS.

PARCEL 8:

THE EAST 126 FEET OF THE NORTH HALF OF THE SOUTH HALF OF LOT FOUR OF CARUTHER'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, EXCEPTING THEREFROM THE NORTH 80 FEET, ALSO THE EAST 126 FEET OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF LOT FOUR OF CARUTHER'S ADDITION BEING A SUBDIVISION OF LOTS 57, 58, 59 AND 60 OF HORTON'S PURCHASE IN EX-MISSION LANDS ACCORDING TO MAP THEREOF NO. 27

CONDITIONS FOR TENTATIVE MAP NO. 98180

LEGACY WALK PROJECT

ADOPTED BY RESOLUTION NO. R-299820

ON NOVEMBER 9, 2004

GENERAL

1. This Vesting Tentative Map will expire on November 9, 2007.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of the Site Development Permit No. 98185.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

6. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

7. The Final Map shall comply with the provisions of Site Development Permit No. 98185.
8. Prior to recordation of the final map, the subdivider shall underground existing and proposed public utility systems and service facilities in accordance with the San Diego Municipal Code, which undergrounding shall be to the satisfaction of the City Engineer to coordinate with ongoing capital improvements projects adjacent to the proposed subdivision.
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is

required. Only those exceptions to the General Conditions which are shown on the Vesting 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.

MAPPING

10. "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).

11. "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."

12. 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 meridian (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.

13. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

14. All on-site sewer facilities that serve only this lot will be private.

15. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
16. 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. Vehicular access roadbeds shall be surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.
17. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
18. No approved 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.
19. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
20. 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.
21. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
22. 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. Water facilities shall be modified at final engineering to comply with standards.
23. Prior to Recordation of the Final Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

GEOLOGY

24. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the 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.