

(R-2008-1212)

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RESOLUTION NUMBER R- 304024

DATE OF FINAL PASSAGE JUL 29 2008

APPROVING VESTING TENTATIVE MAP NO. 293788 WITH SUMMARY VACATIONS OF THE RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE UNIVERSITY TOWNE CENTER PROJECT.

WHEREAS, Westfield Corporation, Incorporated, Applicant/Subdivider, and Rick Engineering Company, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 293788) with summary vacation of right-of-way and utility easements for the University Towne Center Project [Project] for the subdivision and phased redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center [UTC] regional shopping center with the expansion of retail uses by up to 750,000 square feet of new retail and the development of a maximum of 300 multi-family residential units, located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive, and legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California, in the University Community Plan area, in the CR-1-1, and RS-1-14 zones, Community Plan Implementation Overlay Area "A," Zone, Airport Environs Overlay Zone, and Airport Influence Area Zones; and

WHEREAS, the Map proposes the subdivision of a 75.86-acre site into thirty-six lots for commercial development and a maximum of 300-unit residential condominium units; and

WHEREAS, on June 12, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 293788 with summary vacation of the right-of-way and

utility easements, and pursuant to Resolution No. 4412-PC voted to recommend City Council approval of the map; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The maximum total number of residential condominium dwelling units is 300; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUL 29 2008, 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. 293788 with summary vacation of the right-of-way and utility easements:

1. Lots 21, 22, 25, 26 and 33 of this subdivision are condominium projects as defined in section 1350 et. seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act. Lot 21 has a maximum 300 residential condominium units, lot 22 has a maximum 300 residential condominium units, lot 25 has a maximum 300 residential condominium units, lot 26 has a maximum 300 residential condominium units, and lot 33 has a

maximum 300 residential condominium units. The number of residential units is 300; the maximum number of residential condominium units is 300.

2. The subdivider shall be required to underground any new service run to the proposed structures within the subdivision.

3. 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 Municipal Code section 144.0240 and Council Policy No. 600-25 Underground Conversion of Utility Lines at Developer's Expense.

4. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).

5. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).

6. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).

8. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

9. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

10. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

11. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

12. The property contains a right-of-way and easements which must be vacated summarily and/or pursuant to the Map Act to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

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

BE IT FURTHER RESOLVED, that the City Council finds that for the public right-of-way summary vacation:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; and
2. The public will benefit from the action through improved use of the land made available by the vacation; and
3. The vacation does not adversely affect any applicable land use plan or; and
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that the City Council finds that for the summary easement vacation:

1. There is no present or prospective public use for the easement, 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; and
2. The public will benefit from the action through improved utilization of the land made available by the abandonment; and
3. The vacation is consistent with any applicable land use plan; and
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the following public service easements and rights-of-way, located within the project boundaries as shown in Vesting Tentative Map No. 293788, shall be vacated, contingent upon the recordation of the approved final map for the project:

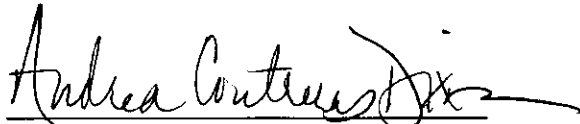
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- a. Portion of Water and Sewer Easement, Document No. 84-066025, recorded February 23, 1984;
- b. Water and Sewer Easement, Document No. 83-331443, recorded September 16, 1983;
- c. Pedestrian and Non-motor Vehicular Easement, Document No. 1990-0562801, recorded October 16, 1990; and
- d. Non-motor Vehicular and Pedestrian Right of Way dedicated per Map No. 8332, Document No. 76-215704, recorded July 9, 1976.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 293788 is granted to Westfield Corporation, Incorporated, Applicant/Subdivider and Rick Engineering Company, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
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Or.Dept:DSD
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CONDITIONS FOR VESTING TENTATIVE MAP NO. 293788

UNIVERSITY TOWNE CENTER PROJECT

ADOPTED BY RESOLUTION NO. R-~~304024~~ ON JUL 29 2008

GENERAL

1. This Vesting Tentative Map will expire JUL 29 2011.
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 issuance of any Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
4. The Final Maps shall conform to the provisions of Site Development Permit No. 293783 and Master Planned Development Permit No. 4103.
5. The Owner/Permittee shall defend, indemnify, and hold the City (including its agents, officers, and employees harmless (collectively "Indemnified Parties") from any claim, action, or proceeding against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the applicable statute of limitation. City shall promptly notify Owner/Permittee of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Owner/Permittee shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Owner/Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Owner/Permittee.
6. Special financing plans have been established to finance the public facilities required for the University Community Plan area. Prior to issuance of any final map, the subdivider shall comply with the provisions of the financing plan, in effect for this community plan area, in a manner satisfactory to the City Engineer. The compliance shall be achieved by either entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment [FBA], or other means as may be established and adopted by the City. Payments will be at the assessment rate in effect when construction permits are issued.
7. Prior to recordation of any Final Map, the subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

AFFORDABLE HOUSING

8. Prior to the recordation of the first final map within the Westfield UTC Master Planned Development, the Owner/Permittee shall enter into a Master Affordable Housing Agreement, secured by a deed of trust, with the San Diego Housing Commission to assure that 10 percent of the total residential units to be constructed (estimated to not exceed thirty residential units) will be constructed and occupied as Affordable Housing Units, in accordance with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The Agreement shall provide for the location, mix, and architectural nature of the Affordable Housing Units on each affordable housing site.

ENGINEERING

9. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
12. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code into the construction plans or specifications.
13. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
14. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
15. 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 Department Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a FBA or such other means as may have been established by the City Council.

16. Prior to the issuance of any construction permit for grading, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
17. The subdivider shall obtain a 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.
18. The subdivider has reserved the right to record multiple final maps over the area shown on the approved vesting 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 vesting 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.
19. The subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
20. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. 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 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. RR-297376.

MAPPING

23. "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].
24. "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."
25. All Final Maps 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.

SEWER AND WATER

26. Prior to the issuance of any construction permits, the Subdivider shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services, within the rights-of-way adjacent to the project site and within the remaining water easements, in a manner satisfactory to the Water Department Director and the City Engineer.
27. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
28. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
29. 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 as shown on the approved vesting tentative map shall be modified at final engineering to comply with standards.

30. The Subdivider shall provide CC&Rs, satisfactory to the Water Department Director, for the operation and maintenance of all private water facilities that serve or traverse more than a single dwelling, commercial unit or common area or lot, which must also include water conservation measures.
31. Prior to the issuance of any construction permits, the Owner/Permittee shall have an executed agreement which requires the Owner/Permittee to off-set the potable water demand of the project, above the existing water use as indicated in the Water Supply Assessment, with the use of recycled water, in a manner satisfactory to the Water Department Director and the City Engineer.
32. The Subdivider shall assure, by permit and bond, the design and construction of all necessary recycled water facilities to be used for all irrigation needs of the project, in a manner satisfactory to the Water Department Director and the City Engineer.
33. The Subdivider shall design and construct all proposed and rebuilt/renovated buildings to utilize water conservation measures in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, specifically designed to meet the requirements for acquiring 3 points under LEED-ND Credit 3: Reduced Water Use, namely Option 1 (Indoor, Category 1) and Option 2 (Outdoor), and standards and practices pertaining thereto.
34. The Subdivider agrees to provide a semi-annual water report. The report shall be prepared by an independent third party, subject to the approval by the City, to account for the project's potable water beginning from the issuance of the first building permit to a period of three years beyond the project's completion and acceptance, in a manner satisfactory to the Water Department Director and the City Engineer.
35. All onsite sewer facilities shall be private.
36. 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.
37. The developer shall abandon or privatize the existing onsite public sewer mains in this site or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
38. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its

own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

39. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.
40. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

GEOLOGY

41. 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."

TRANSPORTATION

42. Prior to recordation of the first final map or any construction permit in the La Jolla Terrace district area, the subdivider shall enter into a bonded Deferred Improvement Agreement for construction of a pedestrian bridge across La Jolla Village Drive west of Town Center drive to the satisfaction of the CPCI Facilities Financing and the City Engineer.
43. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer of Dedication for 14.4 feet. With the construction of the light rail transit station, Genesee Avenue south of La Jolla Village Drive will be improved to 128.4 feet, curb to curb within a 149.9-foot right-of-way including full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
44. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue south of La Jolla Village Drive to provide 114 feet, curb to curb within a 135.5-foot right-of-way and shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
45. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer to Dedicate for future construction of Light Rail Transit [LRT] as shown on VTM sheet C7.2 of Exhibit A. With the future construction of the light rail transit station by others, Genesee Avenue north of Esplanade Court will be improved to provide 118.4 feet, curb to curb within a 135.4-foot right-of-way and shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public

access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.

46. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue north of Esplanade Court to provide 106 feet, curb to curb within a 135.4-foot right-of-way and shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4 foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
47. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer to Dedicate for future construction of LRT as shown on VTM sheet C7.2 of Exhibit "A." With the future construction of the light rail transit station by others, Genesee Avenue south of Esplanade Court will be improved to a minimum of 116 feet, curb to curb within a 133-foot right-of-way, and outside of the bus transit center shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a four foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
48. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue south of Esplanade Court to provide 106 feet, curb to curb within a 128-foot right-of-way, and outside of the bus transit center shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
49. Prior to the issuance of the final map, the subdivider shall dedicate and improve Lombard Place to provide 64 feet, curb to curb within an 83.5-foot right-of-way and construct a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the west side of Lombard Street, satisfactory to the City Engineer.
50. Prior to the issuance of the final map, the subdivider shall dedicate and improve Nobel Drive east of Genesee Avenue to provide 115 feet, curb to curb within a 136.5-foot right-of-way and construct a full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the north side of Nobel Drive, satisfactory to the City Engineer.
51. Prior to the issuance of the final map, the subdivider shall dedicate and improve Nobel Drive west of Lombard Street to provide 90 feet, curb to curb within a 111.5-foot right-of-way and construct a full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the north side of Nobel Drive, satisfactory to the City Engineer.

52. Prior to the issuance of the final map, the subdivider shall dedicate and improve La Jolla Village Drive east of Genesee Avenue and Towne Centre Drive to provide 106 feet, curb to curb within a 127.5-foot right-of-way and construct a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
53. Prior to the issuance of the final map, the subdivider shall dedicate and improve La Jolla Village Drive west of Towne Centre Drive as shown on VTM sheet C7.4 of Exhibit "A" to provide 106 feet, curb to curb within a 127.5-foot right-of-way and construct a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
54. Prior to the issuance of the final map, the subdivider shall dedicate and improve Towne Centre Drive south of La Jolla Village Drive as shown on VTM sheet C7.3 of Exhibit "A" to provide 95 feet, curb to curb within a 118-foot right-of-way and construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
55. Prior to the issuance of the final map, the subdivider shall dedicate and improve Towne Centre Drive north of Towne Centre Gateway as shown on VTM sheet C7.3 of Exhibit A to provide 76 feet, curb to curb within a 97.5-foot right-of-way and construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the south side of La Jolla Village Drive, satisfactory to the City Engineer.

SAN DIEGO ASSOCIATION OF GOVERNMENTS [SANDAG]

56. Prior to the issuance of any final map within the University Central, Palm Passage, or Nobel Heights areas, the subdivider shall obtain approval of project plans from SANDAG and Metropolitan Transit System [MTS] for the bus transit center. Plans shall identify the right-of-way required for the bus transit center and shall reserve this land for such use through an easement or irrevocable offer to dedicate to the satisfaction of SANDAG, MTS, and the City Engineer.
57. Prior to the issuance of any final map within the University Central, Palm Passage, or Nobel Heights areas, the subdivider shall obtain approval of project plans from SANDAG and MTS for the Mid-Coast Light Rail project. Plans shall identify the right-of-way required for the Mid-Coast Light Rail project and shall reserve this land for such use through an easement or irrevocable offer to dedicate to the satisfaction of SANDAG, MTS, and the City Engineer. Identified right-of-way shall accommodate both a project alignment running in the center of Genesee Avenue.

PARKS AND OPEN SPACE

58. Prior to the issuance of any final map with any residential unit development, the subdivider shall obtain approval of any population-based park from the Park and Recreation Department and through the public input process as stated in City of San Diego Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects. The subdivider shall provide the required information, plans, and exhibits for any recreation areas to be considered for meeting the City's population-based park requirements to the satisfaction of the Parks and Recreation Director.

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.
- 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 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code section 142.0607.