

RESOLUTION NUMBER R-305137

DATE OF FINAL PASSAGE JULY 21, 2009

GRANTING TENTATIVE MAP NO. NO 507600, A PUBLIC
RIGHT-OF-WAY VACATION AND EASEMENT
ABANDONMENT FOR THE SUMMIT AT MISSION BAY
PROJECT NO. 144836.

WHEREAS, United Dominion Realty, L.P., a Delaware Limited Partnership,
Applicant/Subdivider, and Hunsaker and Associates, Inc., Engineer, submitted an application
with the City of San Diego for a vesting tentative map, including a public right-of-way vacation
and easement abandonment (Vesting Tentative Map No. 507600) to demolish 323 existing
apartments and construct 499 residential condominiums on a 15.7-acre site to be known as the
Summit at Mission Bay Project [Project], located in the area east of Clairemont Drive, south of
Calle Neil, west of Cowley Way, and north of Iroquois Avenue, and legally described as:

Parcel A: Lots 1 and 2, Block 1 of Clairemont Gardens, in the
City of San Diego, County of San Diego, State of California,
according to Map thereof No. 2947 files in the Office of the
County Recorder of San Diego County, January 14, 1953.
Excepting therefrom all of Villamar Unit No. 1, in the City of
San Diego, County of San Diego, State of California, according to
Map thereof No. 11004, filed in the Office of the County Recorder
of San Diego County, July 27, 1984 as File No. 84-285529 of
Official Records.

Parcel B: Lots 1 and 2 of Reversionary Map of Villamar Unit
No. 1, in the City of San Diego, County of San Diego, State of
California, according to Map thereof No. 12851 filed in the Office
of the County Recorder of San Diego County, August 9, 1991.

Parcel C: Non-Exclusive easements for ingress, egress, access and
use, in, on, over, across, and through those certain walkways,
pathways, open spaces, and other exterior common areas,
excluding parking areas, of the "recreational facilities parcel,"
together with ingress, egress, and access to the recreational
facilities, as granted and conveyed in that certain amended and
restated declaration and easements and covenants concerning

recreational facilities, subject to the terms, covenants and provisions contained therein, recorded June 8, 1993 as File No. 1993-0361954 of official records,

in the Clairemont Mesa Community Plan area, in the RM-3-7 zone, Clairemont Mesa Height Limit Overlay Zone, Community Plan Implementation Overlay Zone, Type B, and FAA Part 77, within City Council District; and

WHEREAS, the Map proposes the consolidation of a 15.7-acre site into one lot; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the State 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 State Map Act. The total number of condominium dwelling units is 499; and

WHEREAS, on April 16, 2009, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 507600, including a public right-of-way vacation and easement abandonment, and pursuant to Resolution No. 4506-PC voted to recommend City Council approval of the map; 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 21 2009, 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. 507600, including a public right-of-way vacation and easement abandonment:

1. 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 State Map Act Sections 66473.5, 66474(a), and 66474(b)). The proposed subdivision would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Clairemont Mesa Community Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the LDC section 125.0440(b)). Other than the deviations described below, the proposed subdivision would comply with the development regulations of the underlying RM-3-7 zone, the Clairemont Mesa Height Limit Overlay Zone, and the Community Plan Implementation Overlay Zone [CPIOZ] Type B and all of the applicable development regulations of the LDC. This application includes a request to deviate from the regulations governing floor area ratio reserved for required parking; vehicular use area requirements of the landscaping regulations; the forty-foot height limitation of the Clairemont Mesa Height Limit Overlay Zone; and street side setbacks. Deviations to the applicable development regulations of the LDC are permitted with a Site Development Permit. The deviations have been determined by staff to be consistent with the purpose and intent of the RM-3-7 Zone, the Clairemont Mesa Height Limit Overlay Zone, and the CPIOZ Type B. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the LDC.

3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and State Map Act Sections 66474(c) and 66474(d)). The proposed development would be consistent with the recommended Residential land use and density range (30-45 dwelling units per acre) of the Clairemont Mesa Community Plan and other than the previously discussed deviations, the development would comply with the applicable development regulations of the underlying RM-3-7 zone, the Clairemont Mesa Height Limit Overlay Zone, and the CPIOZ Type B. Therefore, the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (LDC section 125.0440(d) and State Map Act Section 66474(e)). An initial Environmental Initial Study [EIS] was conducted for the proposed subdivision in accordance with the California Environmental Quality Act [CEQA] that determined the project could have potential adverse impacts to paleontology and traffic. A Mitigation, Monitoring and Reporting Program [MMRP] has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. 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 State Map Act Section 66474(f)). The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego LDC. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Mitigated Negative Declaration No. 144836 has been prepared for the project in accordance with State CEQA Guidelines. A MMRP has been prepared and would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

6. 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 State Map Act Section 66474(g)). The project proposes to abandon two public utilities easements and an alley within the project boundary. The existing 20-foot wide public alley currently bifurcates the site and provides private vehicular access to on-site garages and parking spaces of the existing development. Use of the alley by persons other than residents of the site is minimal. With the redevelopment of the property, the existing parking arrangement would be re-configured and the public alley would no longer be required for site circulation. Utilities serving the site would be relocated into adjacent public rights-of-way, which is acceptable to the public utility agencies. Other than the public right-of-way vacation and easement abandonment, for which the findings can be made, the proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and easements; therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. 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 State Map Act Section 66473.1). The design of the proposed subdivision through building materials, architectural treatments, the placement of windows, and the selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. 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 State Map Act Section 66412.3). The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Through that review, the decision maker has determined that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of 176 residential units (demolition of 323 existing units and construction of 499 new units) would assist the housing needs of the Clairemont Mesa Community.

9. The property contains an easement which must be abandoned to implement the Final Map in accordance with San Diego Municipal Code [SDMC] section 125.0430.

10. There is no present or prospective use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. A 20-foot wide public alley, which runs generally in a north-south direction and currently bifurcates the site, is surrounded on both the east and west sides by a 6-foot wide general utilities easement. Utilities serving the site would be relocated into adjacent public rights-of-way, which is acceptable to the public utility agencies. Therefore, there is no present or prospective use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

11. The public will benefit from the action through improved utilization of the land made available by the abandonment. The public will benefit in that the abandonment of the unnecessary easements would allow an improved and more efficient use of the property. As anticipated by the Community Plan, existing development would be replaced by a modern state of the art sustainable development. Housing quality would be upgraded by the new development and housing opportunities would be increased by the overall net increase of 176-units in the community. Therefore, the public will benefit from the action through improved utilization of the land made available by the abandonment.

12. The abandonment is consistent with any applicable Land Use Plan. The proposed development would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed abandonment would enable redevelopment of the property in a way that promoted the goals and policies of the Clairemont Mesa Community Plan's Land Use Element. Abandonment of the easements would enable a project design that protects existing mature streetscapes, screens all resident parking from public view, and which promotes a lively streetscape with attractive architecture and lush landscaped open space elements.

The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Clairemont Mesa Community Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

13. The public facility 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. A 20-foot wide public alley, which runs generally in a north-south direction and currently bifurcates the site, is surrounded on both the east and west sides by a 6-foot wide general utilities easement. Utilities serving the site would be relocated into adjacent public rights-of-way, which is acceptable to the public utility agencies. Therefore, the public facility for which the easement was originally acquired will not be detrimentally affected by the abandonment.

14. The property contains a public right-of-way which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.

15. 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. The project proposes to abandon two public utilities easements and an alley within the project boundary. The existing 20-foot wide public alley currently bifurcates the site and provides private vehicular access to on-site garages and parking spaces of the existing development. Use of the alley by persons other than residents of the site is minimal. With the redevelopment of the property, the existing parking arrangement would be re-configured and the public alley would no longer be required for site circulation. Therefore, 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.

16. The public will benefit from the action through improved use of the land made available by the vacation. The public would benefit in that the vacation of the alley would allow an improved and more efficient use of the property. As anticipated by the Community Plan, existing development would be replaced by a modern state of the art sustainable development. Housing quality would be upgraded by the new development and housing opportunities would be increased by the overall net increase of 176-units in the community. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

17. The vacation does not adversely affect any applicable land use plan. The proposed development would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed vacation would enable redevelopment of the property in a way that promoted the goals and policies of the Clairemont Mesa Community Plan's Land Use Element. Vacation of the alley would enable a project design that protects existing mature streetscapes, screens all resident parking from public view, and which promotes a lively streetscape with attractive architecture and lush landscaped open space elements.

The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Clairemont Mesa Community Plan. Therefore, the vacation does not adversely affect any applicable land use plan.

18. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The existing 20-foot wide public alley currently bifurcates the site and provides private vehicular access to on-site garages and parking spaces of the existing development. Use of the alley by persons other than residents of the site is minimal.

With the redevelopment of the property, the existing parking arrangement would be re-configured and the public alley would no longer be required for site circulation. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

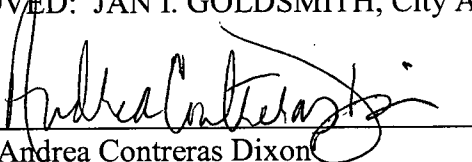
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), vacating and abandoning portions of an unnamed alley dedicated per Map No. 12851 and Map No. 2947, and General Utility Easements, granted to the City of San Diego on Map No. 12851 and Map No. 2947, located within the project boundaries as shown in Vesting Tentative Map No. 507600, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that granting Vesting Tentative Map No. 507600, including Public Right-of-Way Vacation and Easement Abandonment, to United Dominion Realty, L.P., a Delaware Limited partnership, Applicant/Subdivider, subject to conditions which are made a part of this resolution by reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
07/06/09
08/26/09 REV.COPY
Or.Dept:DSD
R-2009-1323
MMS #8960

CONDITIONS FOR VESTING TENTATIVE MAP NO. 507600, INCLUDING
PUBLIC RIGHT-OF-WAY VACATION AND EASEMENT ABANDONMENT

SUMMIT AT MISSION BAY PROJECT – PROJECT NO. 144836

ADOPTED BY RESOLUTION NO. R-305137 ON JULY 21, 2009

GENERAL

1. This Vesting Tentative Map will expire on July 21, 2012.
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. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the State Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
5. The Final Map shall conform to the provisions of Site Development Permit No. 507598.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, “Indemnified Parties”]) harmless 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 time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider 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. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

7. Prior to the issuance of the first Residential Building Permit, the Applicant shall comply with the affordable housing requirements of the City’s Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

8. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
9. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. 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.
12. 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

13. "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].
14. "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."
15. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER

16. All proposed sewer facilities serving this lot shall be private.
17. 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.
18. The developer shall provide evidence, satisfactory to the Director of Public Utilities, 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.
19. No trees or shrubs exceeding 3 feet in height at maturity shall be located within 10 feet of any public sewer mains or laterals.
20. No medians shall be installed within 5 feet of any public sewer facilities.

WATER

21. The Subdivider shall design and construct all new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
22. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of Public Utilities, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
23. All on-site water facilities shall be private including all domestic, irrigation, and fire systems. Prior to the approval of any improvement plans, the Subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water system that serves or traverses more than a single unit.
24. 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 Director of Public Utilities and the City Engineer.

25. 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. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

TRANSPORTATION

26. Prior to the issuance of an occupancy permit, the Subdivider shall install a non-landscaped raised median on Clairemont Drive between Burgener Boulevard to Fairfield Street to the satisfaction of the City Engineer.
27. The project shall construct a raised median and restripe Clairemont Drive along the project's frontage with the following configuration - 8 foot/2-foot painted stripe/12 foot/11 foot/16 foot – median – 11 foot/12 foot/2-foot painted stripe/ 8 foot with a 5-foot sidewalk with a 10-foot parkway to the satisfaction of the City Engineer.
28. The project shall close all other driveways and replace with full height curb, gutter and sidewalk to the satisfaction of the City Engineer.
29. Prior to recording of the final map, the applicant shall assure by permit and bond the improvement of the project frontage along Calle Neil, with curb, gutter, sidewalks and appropriate pedestrian ramps, install one 25-foot wide driveway consistent with Regional Standards drawing SDG-114 serving the project and close all unused driveways satisfactory to the City Engineer.
30. Prior to recording of the final map, the applicant shall assure by permit and bond the improvement of the project frontage along Cowley Way, with curb, gutter, sidewalks and appropriate pedestrian ramps, install one 25-foot wide driveway consistent with Regional Standards drawing SDG-114 serving the project and close all unused driveways satisfactory to the City Engineer.
31. Prior to recording of the final map, the applicant shall assure by permit and bond the improvement of the project frontage along Iroquois Avenue, with curb, gutter, sidewalks and appropriate pedestrian ramps, install one 25-foot wide driveway consistent with Regional Standards drawing SDG-114 serving the project and close all unused driveways satisfactory to the City Engineer.
32. Prior to the issuance of a building permit, the applicant shall work with the Traffic Operations Section of the Engineering and Capital Projects Department to determine the need for a signal ahead warning sign on Clairemont Blvd for westbound traffic approaching the signalized intersection at Denver Street. If warranted, the applicant shall install the warning sign to the satisfaction of the City Engineer.

HOUSING

33. Pursuant to State Map Act section 66459, the Subdivider shall provide the following notice to renters prior to the execution of the rental agreement.

The Unit you may rent has been approved for sale to the public as a Condominium project. The rental unit may be sold to the public, and, if it is offered for sale, your lease may be terminated. You will be notified at least ninety days prior to any offering to sell. If you still lawfully reside in the unit, you will be given a right of first refusal to purchase the unit. Should you not wish to purchase the unit, you will be offered relocation assistance benefits in conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits to the satisfaction of the San Diego Housing Commission. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U.S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises and shall be based upon the fair market rent at the time of the notice.

34. The Subdivider will give each tenant a notice of termination of tenancy sixty days prior to being required to vacate the property.
35. Pursuant to Section 66427.1(a)(2)(F), the Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66425.20 of the State Map Act. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
36. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
37. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least ten days prior to the submittal to the Department of Real Estate [DRE], pursuant to Section 66427.1(a)(2)(B) of the State Map Act.
38. For any rented unit subsequently sold as a condominium, the seller shall provide the same level of benefits as those listed in San Diego Municipal Code Chapter 14, Article 4, Division 5, Section 144.0505. Prior to filing a final map, the applicant shall enter into a Tenant Relocation Agreement and Deed of Trust with the San Diego Housing Commission to ensure that the project provides for Tenant Relocation Benefits in the event that units will be rented by tenants prior to sale as condominiums. In addition, the seller must pay the appropriate fees

incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Section 144.0503).

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 Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- In the course of development of private property, if 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, SDMC section 142.0607.