

CONDITIONS FOR VESTING TENTATIVE MAP NO. 2507560, PUBLIC RIGHT-OF-WAY VACATION NO. 2507558, AND EASEMENT VACATION NO. 2508994

**TOWNE CENTRE VIEW - PROJECT NO. 624751**

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Vesting Tentative Map will expire within 36 months of approval on [DATE].
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map/Parcel Map, unless otherwise noted.
3. Prior to the expiration of the Vesting Tentative Map, a Final Map to subdivide the properties into eight (8) lots shall be recorded at the San Diego County Recorder's Office.
4. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to Section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Final Map.

5. The Vesting Tentative Map shall comply with the conditions of Planned Development Permit No. 2607763, Site Development Permit No. 2237939, Coastal Development Permit No. 2237940, and Neighborhood Development Permit No. 2582527 and Land Use Plan No. 2607746.
6. All existing easements that are within the Tentative Map boundary and being proposed for vacations shall be vacated pursuant to Section 66434(g) of the Subdivision Map Act (SMA).
7. 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 the City and/or any Indemnified Parties 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 promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City

defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AIRPORT**

8. Prior to recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

**ENGINEERING**

9. Prior to the issuance of any building permit the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
10. 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.
11. The Subdivider shall comply with City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18 to install new streetlights or upgrade existing streetlights adjacent to the site. Streetlights in the vacated right-of-way must be disconnected.
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 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. RR-297376.

**MAPPING**

13. This project proposes the subdivision of the 33.524-acre project site into eight (8) lots and the vacations of public right-of-way and public service utility easements which requires a Tentative Map which may be approved, conditionally approved, or denied in accordance with Process 5 pursuant to the City of San Diego Land Development Code.
14. Prior to the expiration of the Tentative Map, if approved, a Final Map to subdivide the properties into eight (8) lots shall be recorded at the San Diego County Recorder's Office.
15. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land

Development Codes.

16. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
17. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearings" 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 First Order accuracy. 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 shall be shown on the map.
20. Prior to the recordation of the Final Map, all private streets and drives shall be shown with bearings and distances along the centerline and width of the streets shown on the mapping sheet of the Final Map. The street names shall be submitted to BDR-Street Name Coordinator for approval and published on the Final Map.

**PUBLIC UTILITIES**

21. The Subdivider shall grant adequate sewer, including vehicular access to each appurtenance for all public sewer that are not located within fully improved public rights-of-way, satisfactory to the Public Utilities Department. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Public Utilities Department and the City Engineer.
22. The Subdivider shall process encroachment maintenance and removal agreements (EMRA) for all proposed private sewer within the proposed sewer access easement.

**PLANNING**

23. Prior to the recordation of the Final Map, the Owner/Permittee shall execute and record four, new Covenants of Easements which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources and Steep Hillides, in accordance with San Diego Municipal Code section 143.0152. The Covenants of Easements shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

**LANDSCAPE/BRUSH MANAGEMENT**

24. Prior to recordation of the Final/Parcel Map, the Owner/Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per §142.0412 of the Land Development Code."

**MSCP**

25. Prior to the recordation of the Final Map, the Subdivider shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Parks and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Subdivider shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreement and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City and USFWS and CDFG. The Subdivider shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.
26. Prior to the recordation of the Final Map, the Subdivider shall schedule an inspection with the Parks & Recreation Department, Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City acceptance.

**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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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.

## ATTACHMENT 5

- 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 Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider 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 (San Diego Municipal Code § 142.0607).

Internal Order No. 24008129

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