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7/09/07

RESOLUTION NUMBER R- 302795

DATE OF FINAL PASSAGE JUL 09 2007

WHEREAS, Jeff J. Fargo, Dean Fargo and David Fargo, Applicants/Subdividers, and Jorge H. Palacios, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 334087), and Public Right-of-Way Vacation for the subdivision of two parcels into six single-family residential lots and to vacate a portion of Lansdale Drive for the Lansdale Project [Project], located at 4660 and 4676 Lansdale Drive, and legally described as Parcels 1 and 2 of Parcel Map No. 4244, in the Carmel Valley Community Plan area, in the SF zone of the Carmel Valley Planned District; and

WHEREAS, on May 10, 2007, the Planning Commission of the City of San Diego considered Tentative Map No. 334087 and Public Right-of-Way Vacation, and pursuant to Resolution No. 4262 -PC voted to recommend City Council approval of the Tentative Map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance 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 09 2007, 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 Tentative Map No. 334087:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC], section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the SDMC/LDC (SDMC/LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. 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 (SDMC/LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC/LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).
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 (SDMC/LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).
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 (SDMC/LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The property contains a public right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.
10. 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;
11. The public will benefit from the action through improved use of the land made available by the vacation.
12. The vacation does not adversely affect any applicable land use plan.

13. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

14. In connection with said vacation, the City desires to reserve a general utilities and access easement.

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), a portion of Lansdale Drive, located within the project boundaries as shown in Tentative Map No. 330487, shall be vacated, reserving therefrom an easement for general utilities together with ingress and egress for that purpose, and contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map No. 334087 and Public Right-of-Way Vacation are granted to Jeff J. Fargo, Dean Fargo, and David Fargo, Applicants/ Subdividers and Jorge H. Palacios, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky  
Rachel Lipsky  
Deputy City Attorney

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CONDITIONS FOR TENTATIVE MAP NO. 334087 AND  
PUBLIC RIGHT-OF-WAY VACATION  
LANSDALE PROJECT

ADOPTED BY RESOLUTION NO. R- \_\_\_\_\_ ON ~~JUL 09 2008~~  
R- 302795

**GENERAL**

1. This Tentative Map expires 36 months after its approval or conditional approval. After expiration of an approved or conditionally approved tentative map, a final map or parcel map shall not be filed without the approval of a new tentative map pursuant to San Diego Municipal Code section 125.0460.
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 Tentative Map expiration date, a Final Map to create six residential lots shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 427982.
5. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

## ENGINEERING

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. The Subdivider shall ensure that all on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant 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.
8. 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. 769830.

## MAPPING

9. "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].
10. "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."
11. 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 AND WATER**

12. Water and Sewer Requirements:
- a. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
  - b. The Sudvider shall design and construct all proposed public sewer facilities to the current edition of the City of San Diego's Sewer Design Guide.
  - c. The Subdivider shall install all sewer facilities, satisfactory to the Metropolitan Wastewater Department Director, necessary to serve this development.

## **GEOLOGY**

13. 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 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 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.