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7/28/09

RESOLUTION NUMBER R- 305189

DATE OF FINAL PASSAGE JUL 28 2009

A RESOLUTION GRANTING TENTATIVE MAP AND  
EASEMENT VACATION NO. 224656 FOR THE  
CARMEL VIEW TENTATIVE MAP PROJECT,  
PROJECT NO. 72282.

WHEREAS, Carmel View, LLC, a California Limited Liability Company,  
Applicant/Subdivider, and Mark A. Brencick, Engineer, submitted an application to the  
City of San Diego for a tentative map and easement vacation (Tentative Map and  
Easement Vacation No. 224656), to create thirteen residential parcels, two private road  
lots, vacation of an easement and dedication of a public recreation easement for the  
Carmel View Tentative Map Project [Project], located at the corner of Del Mar Mesa  
Road and Little McGonigle Ranch Road, and legally described as that portion of the  
southwest quarter of the northwest quarter of Section 22, Township 14 South, Range 3  
West, San Bernardino Meridian, in the City of San Diego, within the Del Mar Mesa  
Specific Plan area in the AR-1-1 and AR-1-2 zones according to official plat thereof  
(APN No. 308-020-48-00, 308-020-68-00, 308-020-85-00); and

WHEREAS, the Map proposes the subdivision of a 14.43 site into thirteen  
residential parcels, two private road lots, vacation of an easement and dedication of a  
public recreation easement; 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, on May 28, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 224656 and Easement Vacation, and pursuant to Resolution No. 4518-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 28 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 Tentative Map and Easement Vacation No. 224656:

**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 Subdivision 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 Del Mar Mesa Community Plan. Therefore, the proposed subdivision and its design and proposed improvements 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 Land Development Code (LDC section 125.0440(b)).** The proposed subdivision would comply with the development regulations of the underlying zone and as modified by the Del Mar Mesa Specific Plan with an approved

Planned Development Permit in conjunction with this subdivision approval. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. The deviations are considered consistent with the goals of the Del Mar Mesa Specific Plan. The goal of the Del Mar Mesa Specific Plan is to preserve the rural character of Del Mar Mesa while accommodating clustered development and the preservation of open space. In order to meet this goal, the project is requesting deviations from the Del Mar Mesa Specific Plan related to side yard setbacks, lot size, street frontage and minimum lot width. The specific plan anticipated deviations may be required due to specific site conditions. The Specific Plan states that a Planned Development Permit is an appropriate means when requesting these deviations provided they do not negatively impact the rural character of the community.

3. **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)).** The proposed subdivision would be consistent with the recommended estate residential land use and density range of the Del Mar Mesa Specific Plan and would comply with the applicable development of the underlying AR-1-1 and AR-1-2 zones. Design Guidelines have also been adopted as part of the approval to regulate the design of each single family lot. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and 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 Subdivision Map Act Section 66474(e)).** The City of San Diego conducted an Initial Study to determine whether the Carmel View Tentative Map project would cause any significant impact that was not examined in the Master Environmental Impact Report [MEIR] and whether the project was described as being within the scope of the Del Mar Mesa Specific Plan. The proposed project has been determined to be within the scope of the MEIR and the implementation is not expected to result in any additional significant impacts beyond those identified in the MEIR. All applicable mitigation measures set forth in the MEIR have been incorporated into the proposed project through a project-specific Mitigation, Monitoring and Reporting Program [MMRP]. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: City staff has determined that the following project-specific issues of *Biological Resources, Landform Alteration/Visual Quality, Paleontological Resources, Noise, and Public Facilities and Services (Schools)* require mitigation measures. Therefore a MMRP has been established to address these issues. Therefore, the design of the subdivision nor 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 Subdivision 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 Subdivision Map Act and the City of San Diego Land

Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. 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 Subdivision Map Act Section 66474(g)).** There is an existing easement for a public recreation/horse trail which bisects the proposed development site. A portion of the horse trail breaks off from the main trail which runs parallel to Little McGonigle Ranch Road. The portion of the trail which bisects the development site is proposed to be vacated as part of this project approval and relocated to coincide with the proposed subdivision layout. The trail will effectively remain for public access. The trail adjacent to Little McGonigle Ranch Road will also remain and will receive an additional dedicated landscape buffer with additional regionally appropriate landscaping to enhance the trail experience. The project is also required to improve the existing public rights-of-ways and general utility easements therefore, the design of the subdivision; the associated improvements; replacement of the vacated trail and improvements to the existing trail 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 Subdivision Map Act Section 66473.1).** The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and 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 Subdivision 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 and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of thirteen residential lots for private development is consistent with the housing needs of the Del Mar Mesa Community Planning area.

**9. The property contains a right-of-way easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.** There is an existing easement for a public recreation/horse trail which bisects the proposed development site. A portion of the horse trail breaks off from the main trail which runs parallel to Little McGonigle Ranch Road. The portion of the trail which bisects the development site is proposed to be vacated as part of this project approval and relocated to coincide with the proposed subdivision layout. The trail will

effectively remain for public access. The trail adjacent to Little McGonigle Ranch Road will also remain and will receive an additional dedicated landscape buffer with additional regionally appropriate landscaping to enhance the trail experience.

**10. There is no present or prospective 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.** There is an existing easement for a public recreation/horse trail which bisects the proposed development site. In the easements present location is inappropriate for the proposed design of the project. A portion of the horse trail breaks off from the main trail which runs parallel to Little McGonigle Ranch Road. The portion of the trail which bisects the development site is proposed to be vacated as part of this project approval and relocated to coincide with the proposed subdivision layout. The proposed development area has been designed to utilize the least environmentally sensitive portion of the site. A new easement will be dedicated therefore the trail will effectively remain for public access.

**11. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.** There is an existing easement for a public recreation/horse trail which bisects the proposed development site. In the easements present location is inappropriate for the proposed design of the project. A portion of the horse trail breaks off from the main trail which runs parallel to Little McGonigle Ranch Road. The portion of the trail which bisects the development site is proposed to be vacated as part of this project approval and relocated to coincide with the proposed subdivision layout. The proposed development area has been designed to utilize the least environmentally sensitive portion of the site. Since a new easement will be dedicated which aligns with the proposed development layout the public will benefit by the abandonment and relocation. Additionally, the trail adjacent to Little McGonigle Ranch Road will also remain and will receive an additional dedicated landscape buffer with additional regionally appropriate landscaping to enhance the trail experience.

**12. The abandonment is consistent with any applicable land use plan.** There is an existing easement for a public recreation/horse trail which bisects the proposed development site. A portion of the horse trail breaks off from the main trail which runs parallel to Little McGonigle Ranch Road. The portion of the trail which bisects the development site is proposed to be vacated as part of this project approval and relocated to coincide with the proposed subdivision layout. The trail will effectively remain for public access. Marinating the trail system is consistent with the City's adopted General Plan as well as the Del Mar Mesa Specific Plan. The trail adjacent to Little McGonigle Ranch Road will also remain and will receive an additional dedicated landscape buffer with additional regionally appropriate landscaping to enhance the trail experience.

**13. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.** There is an existing easement for a public recreation/horse trail which bisects the proposed development site. A portion of the horse trail breaks off from the main trail which runs parallel to Little McGonigle Ranch Road. The portion of the trail which bisects the development site is proposed to

be vacated as part of this project approval and relocated to coincide with the proposed subdivision layout. The original trail dedication could not anticipate all the needs of the future development of the surrounding private property. The trail will effectively remain for public access. The trail adjacent to Little McGonigle Ranch Road will also remain and will receive an additional dedicated landscape buffer with additional regionally appropriate landscaping to enhance the trail experience.

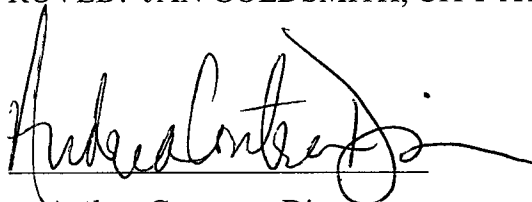
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of a public recreation easement located within the project boundaries as shown in Tentative Map No. 224656, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Carmel View Tentative Map and Easement Vacation No. 224656 is granted to Carmel View, LLC, a California Limited Liability Company, Applicant/Subdivider, subject to the conditions attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH, CITY ATTORNEY

By:



Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw  
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CONDITIONS FOR TENTATIVE MAP NO. 224656

CARMEL VIEW TENTATIVE MAP PROJECT

ADOPTED BY RESOLUTION NO. R-305189 ON JUL 28 2009

**GENERAL**

1. This Tentative Map will expire on 7-28-12.
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 the 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 Map, shall conform to the provisions of Planned Development Permit No. 575065 and Site Development Permit No. 575066.
5. 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**

6. Prior to recording the final map, the Subdivider shall pay a fee to the San Diego Housing Commission in conformance with the NCFUA Framework Plan requirements for affordable housing based on the current fee amount at that time. The current rate of the fee is equal to \$2,420 per market rate unit, and is subject to change.

**AIRPORT AUTHORITY**

7. The proposed project does not propose any structures; therefore, in order to determine if structures comply with the height limitations of the Marine Corps Air Station [MCAS]

Miramar Airport Land Use Compatibility Plan [ALUCP], any future structures must be submitted to the San Diego County Airport Land Use Commission [ALUC] for review.

## **ENGINEERING**

8. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices [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.
9. 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.
10. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
11. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.
12. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-8 DWQ.
13. The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to approval by the City Engineer.
14. 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.
15. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order Number and Drawing Number. 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.

16. Prior to the issuance of grading permits, a Demolition/Removal permit shall be obtained for removal of existing building structures.
17. The Subdivider shall grant a mutual access easement for the proposed shared access driveway of lots 4, and 5.
18. The Subdivider shall underground any existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
19. 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.
20. The Subdivider shall reconstruct/regrade the existing eroded decomposed granite [DG] trail adjacent to the project's Little McGonigle Ranch Road street frontage, satisfactory to the City Engineer.
21. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private storm drain pipe/connections located in the Little McGonigle Ranch Road public Right-of-Way.
22. The Subdivider shall vacate the Easements for Recreation and Incidental Purposes, per Doc. 2004-0761938 and Doc. 2004-0761942, both recorded August 11, 2004, to the satisfaction of the City Engineer.
23. The Subdivider shall reconstruct/regrade the existing eroded DG trail adjacent to the project's Camino Santa Fe street frontage, satisfactory to the City Engineer.
24. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private storm drain pipe/connections located in the Camino Santa Fe public right-of-way.
25. The Subdivider shall dedicate a 6-foot wide public recreation easement (trail) to be located in agreement with that shown on the Tentative Map.
26. 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.
27. 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.

28. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the G-6 raised median in the Little McGonicle Ranch Road Right-of-Way. Only removable pavers or shallow rooted native or ornamental non-invasive plantings that mature at a height less than 3 feet shall be installed within the median to the satisfaction of the Public Utilities Department.

### MAPPING

29. "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].
30. "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."
31. 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

32. The Subdivider shall install all sewer facilities necessary to serve this development, satisfactory to the Metropolitan Wastewater Department Director.
33. The Subdivider shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
34. The Subdivider 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. The easements shall be located within single lots.

35. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material, satisfactory to the Metropolitan Wastewater Department Director.
36. No structures or landscaping shall be installed in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.
37. No approved improvements or landscaping, including private sewer facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
38. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.
39. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements [GUE] in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.
40. All onsite sewer facilities serving a single lot shall be private.
41. For public on-site sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.

## **WATER**

42. Prior to the recordation of the Final Map, the Subdivider shall assure, by permit and bond, the design and construction of new 8-inch diameter water mains and services as needed, and the removal of all existing unused services, within the proposed Street "A," private driveway west of Street "B" and Camino Santa Fe right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
43. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead end main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
44. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities

that are not located within fully improved public rights of way, satisfactory to the Director of Public Utilities. Easements shall be located within single lots.

45. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves - 20 feet; water mains with services or fire hydrants - 30 feet with 24 feet of paving and full height curbs. Easements or lack thereof, as shown on the approved Tentative Map, will require modification based on standards at final engineering.
46. The Subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, and private utilities or landscaping, into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
47. The Subdivider shall provide keyed access, to the Water Operations Division in a manner satisfactory to the Director of Public Utilities on all gates located within easements containing public water facilities. The City will not be held responsible for any issues that may arise relative to the availability of keys.
48. 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.
49. The Subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements, 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. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or modified at final engineering to comply with standards.
50. The Subdivider shall design and construct all irrigations systems to utilize reclaimed water in a manner satisfactory to the Director of Public Utilities.

### **GEOLOGY**

51. 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."

### **LANDSCAPE**

52. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

53. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
54. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

### **TRANSPORTATION**

55. The Subdivider shall conform to the Del Mar Mesa/Subarea IV Transportation Phasing Plan to the satisfaction of the City Engineer.
56. Prior to recordation of Final Map, the Subdivider shall provide evidence that the "Existing Road & Utility Easement Agreement Document 2004-0761940 recorded August 11, 2004" and/or that the "Existing General Utility & Access Easement Agreement Document 2004-0761937 recorded August 11, 2004" allow the applicant to provide the proposed access to lots 1-6 as shown on the July 14, 2009 Tentative Map to the satisfaction of the City Engineer.
57. The Subdivider shall construct Private Driveway "A" as a 30-foot roadway on a 50-foot easement with curb and gutter, ending with a 50-foot radius cul-de-sac, with an 8-foot landscaped parkway and a 12-foot graded parkway to the satisfaction of the City Engineer.
58. The Subdivider shall construct Private Driveway "B" as a 24-foot roadway on a 36-foot easement with curb and gutter, ending with a 50 foot radius cul-de-sac, with two 6 foot decomposed granite parkways to the satisfaction of the City Engineer.
59. The Subdivider shall dedicate 4 feet on the southern side of Little McGonigle Ranch Road and construct a 10-foot recreation/equestrian trail along the project's frontage to the satisfaction of the City Engineer.
60. The Subdivider shall relinquish all access rights onto all public streets except for Private Driveway "A" and the easement connection with Private Driveway "B" to the satisfaction of the City Engineer.

### **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 San Diego Municipal Code section 142.0607.

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