

RESOLUTION NUMBER R- 265195

ADOPTED ON MAR 4 1986

WHEREAS, on October 28, 1985, the Subdivision Board of The City of San Diego, subject to certain conditions, approved SAN DIEGO BUSINESS PARK Tentative Map No. TM-85-0578 filed by CALIFORNIA STRUCTURES and RICK ENGINEERING COMPANY; and

WHEREAS, the decision of the Subdivision Board to approve TM-85-0578 was appealed to the Planning Commission of The City of San Diego; and

WHEREAS, on January 9, 1986, the Planning Commission heard the appeal of the Subdivision Board's decision to approve TM-85-0578 and voted 7 to 0 to uphold the decision of the Subdivision Board and approve Tentative Map No. TM-85-0578, subject to certain conditions; and

WHEREAS, on January 17, 1986, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, the COUNTY OF SAN DIEGO, DEPARTMENT OF PLANNING AND LAND USE, by Walter C. Ladwig, Director, appealed the decision of the Planning Commission in approving the proposed Tentative Map for a 24-lot industrial subdivision and potential street reservation for proposed highway No. SR 117, a 79.4-acre site located on the south side of Otay Mesa Road, east of Harvest Road, in the Otay Mesa Community Plan area; and

WHEREAS, said appeal was set for public hearing on February 18, 1986, and continued to March 4, 1986, testimony

having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 102.0308, to affirm, reverse or modify in whole or in part any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Council adopts the findings of the Planning Commission as follows:

1. The map proposes the subdivision of 71.3 gross acres of land into 24 individual lots. This type of development is consistent with the General Plan and the Otay Mesa Community Plan because industrial use is proposed for an area designated by these plans for that use. The proposed subdivision map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the subdivision are consistent with the zoning/development regulations because:

a. All lots have frontage upon a street which shall be open to and usable by vehicular traffic.

b. All lots meet the minimum lot square footage of 30,000 square feet, minimum street frontage of 100 feet, minimum width requirement of 100 feet, and depth requirement of 150 feet for the Otay Mesa Industrial Subdistrict.

c. All lots are designed to not cause any required improvements to become nonconforming in respect to building area, setbacks, side yard and rear yard regulations without provisions for relief pursuant to the Municipal Code being utilized.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating and/or cooling opportunities.

4. The site is physically suitable for industrial development. The surrounding proposed development is industrial use. The harmony in scale, height, bulk, density and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned and the site is suitable for this type of development.

5. The site is suitable for the proposed density of development and complies with subdistrict provisions. This is consistent with the proposed surrounding density for development provided for in the Otay Mesa Development District.

6. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat, in that the proposed subdivision will not endanger known rare biological resources or will not create undesirable environmental impact based upon the findings of Environmental Negative Declaration No. END-85-0578.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the needed public services and facilities are available to provide for public health and welfare by supplying water and sewage facilities as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of the COUNTY OF SAN DIEGO, DEPARMTENT OF PLANNING AND LAND USE, is denied; the decision of the Planning Commission to deny the appeal is sustained, and SAN DIEGO BUSINESS PARK Tentative Map No. TM-85-0578 is hereby granted, subject to the following conditions:

1. This tentative map will expire March 4, 1989.

2. The "General Conditions for Tentative Subdivision Maps, filed in the office of the City Clerk as Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

3. Subdivider must provide a geological reconnaissance on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of Municipal Code Section 62.0410, et seq.

4. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, paragraph 2.

5. Airway Road is classified as a four-lane major street. In connection with this subdivision, the portion of Airway Road adjacent to the subdivision shall be dedicated and graded 49 feet wide. This 49-foot-wide right-of-way shall be improved with curb, five-foot-wide sidewalk, a 36-foot-wide paved roadway and a three-foot-wide graded shoulder.

6. Subdivider shall improve Airway Road off-site westerly of the subdivision to SR-125 to major street standards. This off-site connection shall be dedicated and graded a minimum of 40 feet wide and improved with a minimum of 28 feet of paving with a temporary AC sidewalk on the northerly side in a manner satisfactory to the City Engineer. The improvements at the intersection with SR-125 shall be as required by the City Engineer so as to be compatible with the improvements proposed in connection with Border Business Park, Tentative Map No. TM-85-0159.

7. Otay Mesa Road is classified as a four-lane major street. In connection with this subdivision, the portion of Otay Mesa Road adjacent to the subdivision shall be dedicated and graded 49 feet wide. This right-of-way shall be improved with

the curb at a 10-foot curb-to-property-line distance, five-foot wide sidewalk and a 36-foot wide paved roadway with a three-foot graded shoulder to the center line. This graded shoulder shall be temporarily landscaped. The subdivider shall offer to dedicate, for a period of five years, a twelve-foot wide strip of land along the northerly subdivision boundary for the possible future widening of Otay Mesa Road to a six-lane facility.

8. Subdivider shall improve Otay Mesa Road off-site westerly of the subdivision to SR-125 to major street standards. This off-site connection shall be dedicated and graded a minimum of 40 feet wide and improved with a minimum of 28 feet of paving, and with a temporary AC sidewalk on one side in a manner satisfactory to the City Engineer. The improvements at the intersection with SR-125 shall be as required by the City Engineer.

9. "A" Street is classified as a four-lane collector street. In connection with the subdivision, the portion of "A" Street adjacent to the subdivision, shall be dedicated 45 feet wide with three feet of this dedication off-site westerly of the subdivision boundary. This 45-foot-wide right-of-way shall be graded full width and improved with curb at a 10-foot curb-to-property-line distance, five-foot-wide sidewalk and a 32-foot-wide paved roadway to the center line.

10. "B," "C" and "D" Streets shall be dedicated and fully improved as local industrial streets as shown on the approved tentative map with curbs, sidewalks, and a 50-foot-wide paved roadway within a 70-foot-wide right-of-way. Standard 60-foot

property line radius industrial cul-de-sacs shall be provided as shown.

11. Subdivider shall grant a 49-foot-wide street reservation along the easterly subdivision boundary as shown on the approved tentative map with a 20-foot radius corner rounding. Subdivider shall also grant slope easements as required by the City Engineer adjacent to the street reservation, or as an alternate, may grade the street reservation as required by the City Engineer.

This condition shall not be effective if the City Engineer determines, prior to Council approval of the final map, that the street reservation is not required.

12. In connection with Council approval of the first final map to record, subdivider shall enter into a bonded six-year agreement wherein subdivider agrees to provide half-width major street improvements within the street reservation area. In order to accomplish this, subdivider shall:

a. Prepare a cost estimate for this work for approval by the City Engineer. Improvement plans may be required by the City Engineer. The improvements shall consist of curb, five-foot-wide sidewalk, a 32-foot-wide paved roadway and half of a 14-foot-wide raised median.

b. Post a bond for the agreement as determined by the City Engineer.

c. Enter into an agreement with the City whereby subdivider agrees to construct these street improvements when required by the City or at the end of the six-year period, whichever first occurs.

d. The agreement shall include a clause that will allow the release of the bond and the cancelling of the agreement if it is determined by the City Engineer that this major street is no longer required.

e. This condition shall not be effective if the City Engineer determines, prior to Council approval of the first final map, that the street improvements are not required.

13. Subdivider shall relinquish access rights to Otay Mesa Road.

14. In connection with the final map of the first unit, subdivider shall construct a traffic signal system in a manner satisfactory to the City Engineer at the intersection of Airway Road and SR-125. The construction of this traffic signal system is also a requirement of Border Business Park, Tentative Map No. TM-85-0159.

15. In connection with the final map of the first unit, subdivider shall design and bond for the construction of two traffic signal systems, one at the intersection of Otay Mesa Road and Street "A" and the second at the intersection of Airway Road and Street "A," and shall enter into a bonded six-year agreement with the City Engineer wherein subdivider agrees to construct these traffic signal systems when required by the City Engineer or at the end of the six-year period, whichever first occurs.

Subdivider may request the City Council to establish a cost recovery district to recover a portion of this cost from future adjacent developments.

16. Subdivider shall pay cash to the City in the amount of \$25,000 for the construction of a traffic signal system at the intersection of Otay Mesa Road and the street reservation to be constructed in the future by others.

In the event the City Engineer determines that the street reservation need not be dedicated and improved, this cash contribution shall be used for the construction of a traffic signal system at Otay Mesa Road and SR-125 in the future by others.

17. Water shall be provided for this subdivision by the Otay Mesa Water District.

18. Sewer requirements:

a. Subdivider shall initiate an agreement with the Otay Water District for the collection of City of San Diego sewer fees satisfactory to the Deputy Director of the Water Utilities Services Division.

b. Design and install an interim pump station at the location shown on the approved tentative map and construct a force main in Street "A" between Airway Road and the pump station in a manner satisfactory to the City Engineer.

c. Design and install an off-site east-west 15-inch gravity sewer main in Airway Road between Street "A" and Harvest Road.

d. Design and install an off-site north-south 15-inch and 18-inch gravity sewer, approximately 1600 feet each, in Harvest Road between Airway Road and Siempre Viva Road.

e. Grade the subdivision so that it can be served by a gravity sewer system connecting to the interim pump station.

f. The design of the sewer system for this subdivision shall provide capacity and make provisions for the area east of the subdivision to be sewerred by gravity to the sewer system within this subdivision.

g. Provide calculations, satisfactory to the Water Utilities Director, to show that the size and the grade of the sewer mains will provide cleansing velocities.

h. Subdivider and the City shall enter into a reimbursement agreement satisfactory to the Water Utilities Director for collecting approximate reimbursement from parties subsequently benefitting from the facilities described in paragraphs b, c, and d above.

i. In connection with Council approval of the final map, subdivider shall pay cash to the Water Utilities Department in an amount determined by the Water Utilities Director, to be equal to the estimated 20 years operation and maintenance costs of the interim pump station and force main.

j. In connection with Council approval of the final map, subdivider shall pay cash to the Water Utilities Department in an amount determined by the Water Utilities Director to be this subdivision's share of the costs of constructing a 15-inch gravity sewer main to replace the force main and interim pump station.

k. As an alternative, subdivider may design and install a gravity sewer system satisfactory to the Water

Utilities Director in place of the interim pump station, force main, and gravity mains described in paragraphs b., c. and d. above, and in that event subdivider would not be required to make the cash payments specified in paragraphs i. and j. above.

19. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, subdivider shall comply with the provisions of the financing plan then in effect for this community plan area in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into a development agreement paying a facilities benefit assessment, or such other means as may have been established by the City Council.

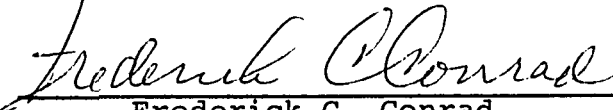
20. Subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Section 66456.1 of the Subdivision Map Act, the City Engineer shall regain the authority to review the areas of the tentative map, subdivider is including in each final map and may impose reasonable conditions such as off-site public improvements that shall become requirements of final map approval for a particular unit.

21. The drainage as shown on the approved tentative map is subject to approval by the City Engineer. The design, location

and size of the detention basins shown on the approved tentative map is subject to approval by the City Engineer. The design shall be such that the drainage during the 100-year storm will be no more than the drainage would be from the land in the unimproved state.

22. The City Engineering Department will be making a drainage study of the Otay Mesa border area. The extent of the area to be studied shall be determined by the City Engineer. The study shall propose a method to control run-off across the international border. A method of financing the design, construction and maintenance of these facilities will be established and this subdivider may be required to contribute money for this purpose either through a development agreement or other means as determined by the City Engineer.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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MAR 4 1986

Passed and adopted by the Council of The City of San Diego on _____, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Baxter*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number *R-2651.95* Adopted MAR 4 1986