

RESOLUTION NUMBER R- 267479

ADOPTED ON JAN 13 1987

WHEREAS, ELLIOT FEUERSTEIN, General Partner of Mesa Shopping Center East, appealed the decision of the Planning Commission in approving Tentative Map No. TM-85-0500 submitted by MESA SHOPPING CENTER EAST and RICK ENGINEERING COMPANY for 15-lot subdivision on a portion of the Northeast Quarter of the Northeast Quarter of Section 31, and a portion of the Northwest Quarter of the Northwest Quarter of Section 32, Township 14 South, Range 2 West, S.B.B.M., a 23.8-acre site located on the north side of Mira Mesa Boulevard, between I-15 and Black Mountain Road, in the Mira Mesa Community Plan area, in the CA and R-3000 Zones; and

WHEREAS, said appeal was set for public hearing on January 13, 1987, 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 this Council adopts the following findings with respect to Tentative Map No. TM-85-0500:

1. The map proposes 15-lot subdivision of a 23.8-acre site for residential and commercial development. This type of development will be consistent with the General Plan and the Mira Mesa Community Plan upon approval by this Council of amendments to said plans. The proposed map will group shopping facilities

within the community, will provide a landscaped and bermed buffer along Mira Mesa Boulevard, and comply with the design requirements of Planned Commercial Development Permit No. PCD-85-0500.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the proposed CA and R-3000 Zones in that:

a. All lots have frontage on a dedicated street which is open to and usable by vehicular traffic.

b. All lots meet the minimum dimension requirements of the CA and R-3000 Zones.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to the building area, setbacks, side yard and rear yard regulations.

d. Development of the CA zoned portion of the site is controlled by Planned Commercial Development Permit No. PCD-85-0500.

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 commercial and residential development. 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.

5. The site is physically suitable for the proposed commercial and residential density of development. This will be consistent with the community plan upon amendment.

6. The design of the subdivision and the proposed improvements are likely to cause impacts to the visual quality and character of the area and riparian woodland on the site as stated in EIR-85-0500. Findings have been adopted which state that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives. A Statement of Overriding Considerations has also been adopted. The EIR, findings and Statement of Overriding Considerations are incorporated herein by reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available for required by condition of this map to provide for 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. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being

met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council. The residential portion of this subdivision will assist in meeting the housing needs of the community.

The above 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 ELLIOT FEUERSTEIN is granted; the decision of the Planning Commission is modified, and Tentative Map No. TM-85-0500 is hereby granted to MESA SHOPPING CENTER EAST, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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Or.Dept:Clerk
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TENTATIVE MAP NO. TM-85-0500 CONDITIONS

CITY COUNCIL

1. This tentative map will become effective with Rezone Case No. RZ-85-0500 and expire concurrently with the same.

2. An amendment to the General Plan and the Mira Mesa Community Plan redesignating the site from low-medium density residential use (10-15 dwelling units/acre) to a commercial and low-medium density residential use (maximum of 15 dwelling units/acre with the requirement of a Planned Residential Development Permit) shall be approved by the City Council prior to this tentative map becoming effective.

3. 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.

4. Unit 3 is subject to the payment of a park fee in accordance with the San Diego Municipal Code which specifies park fees applicable in the Mira Mesa Community Plan area.

5. The 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 San Diego Municipal Code Section 62.0410, et seq.

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

7. Mira Mesa Boulevard, between I-15 and Black Mountain Road is classified as an 8-lane primary arterial. In connection with this subdivision, the following dedication and improvements shall be made:

a. The existing median shall be modified, in a manner satisfactory to the City Engineer, to construct a median opening with dual left-turn pockets at Mesa Center Boulevard as shown on the approved tentative map.

b. The existing median opening for the CALTRANS park-and-ride lot shall be closed as shown on the approved tentative map.

c. The subdivider shall construct a 56-foot wide paved roadway northerly of the modified median for westbound through traffic as shown on the approved tentative map.

d. An additional separate right-turn lane, for right turns from westbound on Mira Mesa Boulevard to northbound on Mesa Center Boulevard, shall be constructed as shown on the approved tentative map. This additional separate right-turn lane shall extend easterly of the property driveway for a distance as required by the City Engineer and as shown on the approved tentative map.

e. The subdivider shall provide paving, as required by the City Engineer, to provide three travel lanes southerly of the modified median, for eastbound traffic.

f. From the westerly subdivision boundary off-site westerly to Black Mountain Road, and within the existing Mira Mesa Boulevard right-of-way, the subdivider shall widen the road by reconstructing the northerly curb and 5-foot-wide sidewalk three feet northerly of its present location, and provide additional paving as required by the City Engineer to provide a 4-lane roadway for the westbound travel lanes.

g. The subdivider shall construct 5-foot-wide sidewalks adjacent to the subdivision.

h. The subdivider shall provide an AC berm transition at the westerly subdivision boundary, as shown on the approved tentative map and in a manner satisfactory to the City Engineer.

i. The subdivider shall dedicate additional right-of-way adjacent to the subdivision to accommodate the street-widening and to provide a 10-foot curb-to-property-line distance.

j. The subdivider shall also dedicate additional right-of-way as required by the City Engineer at the westerly driveway, as shown on the approved tentative map and shall construct the raised island at this driveway as shown on the approved tentative map to preclude left turns out of the project.

8. The subdivider shall relinquish rights to Mira Mesa Boulevard adjacent to the subdivision except at those locations authorized by the City Engineer and shown on the approved tentative map.

9. The subdivider is required to construct certain off-site improvements on Mira Mesa Boulevard, including the construction of a traffic signal system at this intersection. After the completion of the work, the subdivider may request the City Council to establish a reimbursement district to pay for a portion of the construction cost of this work, in accordance with Municipal Code Section 62.0208, when the property within the reimbursement district is subdivided or otherwise developed. The amount of the reimbursement shall be determined by the City Engineer.

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10. Mesa Center Boulevard, between Mira Mesa Boulevard and Galvin Avenue, is classified as a 4-lane major street with a 98-foot wide right-of-way. The dedication shall conform generally to the route designated on Sheet 2 of the approved tentative map as "Alternate Alignment." In connection with this subdivision, the subdivider shall:

a. Dedicate the right-of-way within the subdivision as shown on the approved tentative map.

b. Provide off-site dedication as required by the City Engineer.

c. Between Mira Mesa Boulevard and existing Galvin Avenue, the subdivider shall construct a fully improved road with curbs and 5-foot-wide sidewalks on both sides. A dual left-turn pocket shall be provided at Mira Mesa Boulevard. The subdivider shall commence construction upon acquisition and dedication of off-site right-of-way. If the realignment of Samoa Avenue has not been completed, then an "interim improvement" connecting to existing improvements on Galvin Avenue shall be provided.

d. Following appropriate public hearing, the City Council may credit the subdivider's facility benefit assessment fees with any excess costs, including, but not limited to, right of way acquisition costs, resulting from the change of alignment from Mesa Center Boulevard to the "alternate alignment"; and/or establish a cost recovery district and/or enter into an appropriate reimbursement agreement as to such excess costs. (The excess costs represents the difference between the costs of improving Mesa Center Boulevard as approved by the Planning Commission and the "alternate alignment.")

e. Prior to acquisition and dedication of off-site right-of-way for the alternate alignment, the subdivider may construct a temporary connection to Galvin Avenue satisfactory to the City Engineer.

11. The subdivider shall construct a traffic signal system in a manner satisfactory to the City Engineer at Mira Mesa Boulevard and Mesa Center Boulevard. The subdivider shall also provide interconnection as required by the City Engineer between this traffic signal and the existing signals to both the east and west.

12. Galvin Avenue is classified as a 4-lane collector street within an 84-foot wide right-of-way. In connection with this subdivision, the subdivider shall:

a. Improve the southerly half of the roadway along the new centerline alignment shown on the approved tentative map. The improvements shall consist of curb and 5-foot wide sidewalk on the southerly side and paving for the ultimate eastbound 2 lanes meeting the existing paving in a manner satisfactory to the City Engineer.

b. Dedicate right-of-way as required to establish a 10-foot curb-to-property-line distance adjacent to the subdivision.

c. In connection with the "alternate alignment" (see paragraph 10.e.), the City Engineer shall require the following additional improvements to Galvin Avenue:

(1) Provide off-site dedication as required by the City Engineer.

(2) Construct a 36-foot-wide paved roadway with curb and 5-foot-wide sidewalk on the south and west sides.

13. The dedication and improvement of Mesa Center Boulevard, between Mira Mesa Boulevard and Galvin Avenue, shall be accomplished in connection with either Unit 1 or Unit 2, whichever records first, with the improvement of Galvin Avenue being a requirement of Unit 3. This may result in an "interim improvement" on Mesa Center Boulevard southerly on Galvin Avenue until the Galvin Avenue improvements are constructed. The extent and the design of the "interim improvement" shall be as required by the City Engineer.

14. Gemini Avenue is classified as a 2-lane local cul-de-sac street. In connection with this subdivision, the subdivider shall dedicate and fully improve Gemini Avenue with curbs, sidewalks, paving and a fully improved 60-foot property line radius cul-de-sac, within a right-of-way varying from the existing 60-foot-width to a 52-foot-width as shown on the approved tentative map.

15. Water Requirements:

a. Install a 12-inch water main in Mesa Center Boulevard and in Galvin Avenue, between Mesa Center Boulevard and Black Mountain Road.

b. Install an 8-inch water main in Gemini Avenue between the existing 8-inch water main at the westerly subdivision boundary and connecting to the water main in either Mesa Center Boulevard or Galvin Avenue through an easement.

c. The subdivider shall provide fire hydrants at locations satisfactory to the City Engineer.

16. Sewer Requirements:

a. Provide a sewer study for the existing 10-inch sewer main in Mira Mesa Boulevard for approval by the Water Utilities Director. This study shall reference the Craig, Bulthuis and Nothomb Mesa Ridge Sewer Study dated October 19, 1983, and shall analyze the ultimate flow, the available capacity in the existing 10-inch main for the ultimate development of the drainage basin, and the effects of this development on the capacity of the sewer main.

b. If the approved study determines there is adequate capacity in the existing Mira Mesa Boulevard sewer main for Units 1 and 2, they may connect to the main via a gravity connection.

c. In connection with Council approval of Unit 3, the construction of the off-site sewer main in Black Mountain Road to the Penasquitos trunk sewer is required.

d. Provide a sewer study for the sizing of the proposed sewer main in Black Mountain Road.

e. The subdivider shall provide calculations, satisfactory to the Water Utilities Director, to show that the size and the grade of the sewer mains will provide cleansing velocities.

17. Prior to Council approval of the first final map, a transportation phasing plan which identifies the specific timing and financial responsibility of this subdivision for the construction of off-site traffic improvements shall be approved and implemented in a manner satisfactory to the City Engineer.

18. The subdivider shall provide a temporary access between the CALTRANS park-and-ride lot to Mesa Center Boulevard satisfactory to the City Engineer as shown on the approved tentative map.

The subdivider shall also reconstruct the curb and sidewalk adjacent to the park-and-ride lot to provide the 56-foot-wide paved roadway northerly of the modified median as shown on the approved tentative map, and any parking lot rework required by CALTRANS.

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, the 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. Prior to Council approval of the final map of Unit 3, a Planned Residential Development Permit shall be approved by the Planning Director.

21. Prior to Council approval of the first final map, the subdivider shall deposit \$3,200.00 into the City's Vernal Pool Preservation Fund in order to mitigate the loss of vernal pool habitat.

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22. The subdivider shall construct an emergency access road in Unit 3 as shown on the approved tentative map. This emergency access road shall be improved in a manner satisfactory to the City Engineer and gated at both ends in a manner satisfactory to the Fire Department.

23. Prior to Council approval of the final map of Unit 3, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.

24. This map shall conform to Planned Commercial Development Permit No. PCD-85-0500.

25. All raised medians constructed or modified in connection with this subdivision shall be surfaced with colored, stamped concrete in a manner satisfactory to the City Engineer.

26. The center medians in Mira Mesa Boulevard, from the I-15 off-ramp to Black Mountain Road, shall be landscaped, lighted, and irrigated commensurate with the level of improvements being installed in the median westerly of Black Mountain Road. Such landscaping shall be maintained by the subdivider until growth has been acceptably established or until a maintenance district is in force which can perform such maintenance.

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JAN 13 1987

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

Council Members	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 Struiksm	<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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Maydell G. Antecor* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-267479* Adopted JAN 13 1987