

(R-88-907)

RESOLUTION NUMBER R-269589

ADOPTED ON OCTOBER 27, 1987

WHEREAS, SAN DIEGO MESA ASSOCIATES, INC., by Richard A. Bartoccini of Marvin Levin Land Company, appealed the decision of the Planning Commission in denying Tentative Map No. TM-86-1006 submitted by MARVIN LEVIN LAND COMPANY and XINOS ENTERPRISES, INC. for a 47-lot subdivision for industrial development on 80.6 acres on the west half of the northeast quarter of Section 35, Township 18 South, Range 1 West, SBBM, located on the south side of Otay Mesa Road, between La Media and Harvest Roads, in the Otay Mesa Community Plan area, in the OMDD-I Zone; and

WHEREAS, the matter was set for public hearing on October 27, 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-86-1006:

1. The map proposes the subdivision of an 80.6-acre site into 41 lots for industrial development. This type of development is consistent with the General Plan and the Otay Mesa Community Plan which designate the area for industrial use. The proposed 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 map are consistent with the zoning/development regulations of the OMDD-I Zone in that:

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

b. All lots meet the minimum dimension requirements of the OMDD-I Zone.

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

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 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 density of development. This is consistent with the community plan which provides for industrial development.

6. The design of the subdivision or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the

findings in Environmental Mitigated Negative Declaration No. EMND-86-1006 which is 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 the needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities as well as other related public services.

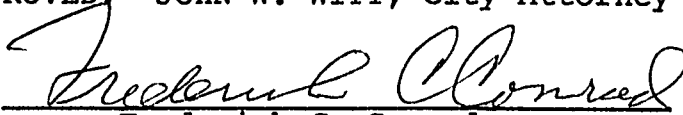
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate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

9. The notices required by Municipal Code Section 101.0993.A. have been given in the manner required therein.

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 SAN DIEGO MESA ASSOCIATES, INC. is granted; the decision of the Planning Commission is overruled, and Tentative Map No. TM-86-1006 is hereby granted to MARVIN LEVIN LAND COMPANY and XINOS ENTERPRISES, INC., 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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11/18/87
Or.Dept:Clerk
R-88-907
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CITY COUNCIL TM CONDITIONS 86-1006

1. This tentative map will expire October 27, 1990.
2. The "General Conditions for Tentative Subdivision Maps" filed in the office of the City Clerk under 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. 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.

This subdivision is located within an area which has experienced severe problems resulting from highly expansive soils. The geological investigation for this subdivision shall include an appraisal of the expansive nature of the base materials and shall detail what measures are to be undertaken to protect the public improvements from failure from expansive base materials.

4. 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.
5. Otay Mesa Road is classified as a 6-lane, no-access, major street. In connection with this subdivision, the subdivider shall dedicate 61 feet of right-of-way southerly of the existing centerline as shown on the approved tentative map.

The subdivider shall provide full improvement of the three eastbound lanes plus curb, 5-foot wide sidewalk and a 14-foot wide raised median in a manner satisfactory to the City Engineer. The subdivider shall also provide a minimum of two lanes northerly of the raised median for westbound traffic. No median breaks will be allowed in the raised median between Cactus Road and "A" Street and the subdivider shall provide transition as required by the City Engineer.

The subdivider may request the City Council to create a reimbursement district to recover the cost of constructing half the median and the additional paving for the westbound lanes.

6. The subdivider shall relinquish access rights to Otay Mesa Road.
7. Airway Road is classified as a 4-lane major within a 98-foot-wide right-of-way. In connection with this subdivision, the subdivider shall provide curb, sidewalk, and 32 feet of paving, providing for a

R- 269589

00627

10-foot curb-to-property-line distance. A 14-foot-wide raised center median shall be constructed at this time adjacent to the subdivision.

8. Street "E" is classified as a 4-lane major within a 98-foot-wide right-of-way between Otay Mesa Road and Airway Road. In connection with this subdivision, the subdivider shall dedicate 49 feet of right-of-way, provide 25 feet of paving, AC berm and sidewalk, and transitions as necessary for the traffic signal at Otay Mesa Road in a manner satisfactory to the City Engineer. The subdivider shall grant slope rights as necessary for the proposed overpass. The subdivider shall assure all lots shall have access to a dedicated street.

In the event an overpass is not warranted for this street, the right-of-way required may be reduced as determined by the City Engineer.

9. Street "C" is classified as a 4-lane collector within an 84-foot-wide right-of-way. This right-of-way is to be fully improved with curbs, 5-foot-wide sidewalks, and 64 feet of paving in a manner satisfactory to the City Engineer.
10. Street "D" is classified as 4-lane collector within an 84-foot-wide right-of-way. In connection with this right-of-way, the subdivider shall dedicate 42 feet, provide curb, a 5-foot-wide sidewalk and 32 feet of paving in a manner satisfactory to the City Engineer. This right-of-way is to align with Street "M" as shown on TM 85-0159.
11. Streets "A" and "B" are classified as 2-lane collectors within a 64-foot-wide right-of-way. This right-of-way is to be fully improved with curbs, 5-foot-wide sidewalks, 44 feet of paving, and providing for standard industrial cul-de-sacs. The subdivider shall also provide a street reservation for the ultimate culs-de-sac at the future freeway right-of-way as shown on the approved tentative map.
12. The subdivider shall construct interconnected traffic signal systems in a manner satisfactory to the City Engineer, at the following locations:
 - a. Airway Road and Street "D."
 - b. Otay Mesa Road and Street "E" (also a requirement of TM 86-0934 and TM 86-1020).
13. A reimbursement district in accordance with the provisions of Municipal Code Section 62.0208, may be established by the City Council to recover a portion of the costs of constructing the required traffic signal systems when the adjacent properties develop.
14. Lots 18-19 shall be configured on the final map so as to conform to CALTRANS SR 905/SR 125 interchange alternative 2C modified and, if required for such use, be subject to acquisition for freeway purposes by purchase, the exercise of eminent domain or other acquisition alternatives. A disclosure statement in accordance with Ordinance Number 16789 shall appear on the final map reflecting this condition.

15. Water Requirements:

- a. Water is to be provided by the Otay Mesa Water District.
- b. Install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.

16. Sewer Requirements:

- a. Install an 18" gravity sewer in Otay Mesa Road as recommended in the Otay Mesa Sewer Master Plan Study by Rick Engineering April, 1984 or revise the Otay Mesa Sewer Master Plan satisfactory to the Water Utility Director.
- b. Provide a sewer study for the sizing of on-site sewer mains including the sewer in Airway Road.
- c. Install facilities as required by the approved study.
- d. 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.
- e. Providing sewer for this subdivision is dependent upon the prior construction of certain sewer mains in previously approved subdivisions in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved sewer mains, as required by the City Engineer, will become off-site improvement requirements for this subdivision.

17. The subdivider shall provide evidence satisfactory to the Deputy Director of the Environmental Quality Division showing that:

1. Grading plans and schedule shall be provided to a qualified paleontologist in advance of actual development.
2. A qualified paleontologist shall be present at any pre-grade meetings to discuss grading plans with the contractors.
3. During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil-bearing formations.
4. The paleontologist shall be allowed to temporarily direct or divert grading to allow recovery of any fossil remains.
5. Any remains collected from the project area shall be deposited in a scientific institution with paleontological collections.
6. A report describing the results of the above monitoring program shall be submitted to the Deputy Director of the Environmental Quality Division.

In addition, prior to any grading and final map recordation, a letter from a qualified paleontologist stating that he/she has been contracted to complete the monitoring program outlined above should be submitted to the Deputy Director of the Environmental Quality.

18. Utilities reimbursement agreements are possible for the sewer mains constructed in Otay Mesa Road. If the subdivider desires to be reimbursed for a portion of the costs of these sewer mains, he must provide detailed utilities reimbursement plats to the Water Utilities Department for approval and further processing.
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. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
21. The subdivider shall construct drainage detention basins, the design, location, and size of which are subject to approval by the City Engineer. The design shall be such that the discharge from the improved subdivision will be no more than the discharge would have been 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 runoff 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. In order to accomplish this, the subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for these flood control improvements. This agreement shall be entered into in connection with Council approval of the first final map.
23. An avigation easement shall be granted over the entire subdivision. The conditions of this easement shall be satisfactory to the Deputy Director of the Airports Division of the General Services Department.
24. This subdivision is subject to payment of School Impact Fees at the time of issuance of building permits as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887) in accordance with procedures established by the Director of Building Inspection.

R- 269589

00630

Passed and adopted by the Council of The City of San Diego on OCT 27 1987
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"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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"/>
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 *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

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