

(R-94-258)

RESOLUTION NUMBER R-282409

ADOPTED ON JULY 27, 1993

WHEREAS, on January 7, 1993, the Planning Commission voted to recommend approval of Vesting Tentative Map No. 88-1144 (Otay Corporate Center North) submitted by Pardee Construction Company, a California corporation, Owner/Permittee, located on the north side of Otay Mesa Road, west of Brown Field and along the east side of Dennerly Canyon, and described as portions of the northwest, southwest and southeast quarter of Section 29 and portion of the northeast quarter of Section 32, Township 18 South, Range 1 West, SBM, in the Otay Mesa Community Plan area, in the A-1-10 zone (proposed rezone to Otay Mesa Development District Industrial Subdistrict zone); and

WHEREAS, the matter was set for public hearing on July 27, 1993, 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 Vesting Tentative Map No. 88-1144:

1. The map proposes the subdivision of a 178.7-acre site into 81 lots for industrial development and open space. This type of development is consistent with the General Plan and the Otay Mesa Community Plan which redesignates the area from residential to industrial use. The proposed map will retain the

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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 Otay Mesa Development District ("OMDD") 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 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.

d. Development of the site is controlled by Otay Corporate Center Design Guidelines.

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 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 commercial uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Environment Impact Report ("EIR") No. 88-1144 which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

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 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.

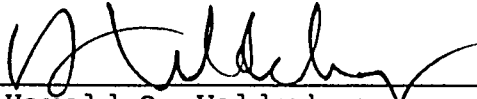
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained; and Vesting Tentative Map

No. 88-1144 is hereby granted to Pardee Construction Company and Project Design Consultants, subject to the conditions attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the effective date of Vesting Tentative Map No. 88-1144 shall be the effective date of the ordinance rezoning the property from the A-1-10 zone to the Otay mesa Development District Industrial Subdistrict zone.

APPROVED: JOHN W. WITT, City Attorney

By   
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Harold O. Valderhaug  
Chief Deputy City Attorney

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Or.Dept:Clerk  
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CITY COUNCIL CONDITIONS FOR  
VESTING TENTATIVE MAP NO. 88-1144


1. This tentative map will expire July 27, 1996.
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.

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. 769635.

3. "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).
4. "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."
5. Every 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, as published in the County of San Diego's Horizontal Control book. 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.

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6. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
7. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the 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. Such additional conditions imposed with the filing of multiple maps shall not include facilities or requirements greater than those already required of the vesting tentative map as a whole.
8. The subdivider must provide a geological report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
9. 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.
10. Development of the site shall comply with the Otay Corporate Center North Transportation Improvement Phasing Plan. The subdivider must assure improvements, to the satisfaction of the City Engineer, in accordance with the phasing of facilities and development thresholds contained in said transportation phasing plan.
11. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

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12. The subdivider shall provide traffic signal systems at the following locations satisfactory to the City Engineer:
  - a. Otay Mesa Road & Avenue of Industry
  - b. Otay Mesa Road & Street "A"
13. Otay Mesa Road is classified as a six-lane primary arterial street within a 122-foot-wide right-of-way and a 132-foot wide right-of-way at intersections. The subdivider shall dedicate a half width of the 122- and 132-foot-wide right-of-way and shall provide half-width improvements of 44 feet of pavement with widening at the intersections, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 14-foot-wide raised, landscaped, center median, satisfactory to the City Engineer.
14. The subdivider may request the City Council to create a reimbursement district, in accordance with Municipal Code Section 62.0208, to recover the cost of constructing the traffic signals and half the median on Otay Mesa Road.
15. Robinhood Ridge Drive is classified as a four-lane collector street within a 84-foot-wide right-of-way. The subdivider shall provide a street reservation and full-width grading within the subdivision boundary in only one of the two locations shown on the vesting tentative map for access to Robinhood Ridge (VTM 86-1014). The City Engineer shall direct the subdivider as to which location to utilize, prior to recordation of the final map for that phase.
16. Avenue of Industry shall be dedicated and improved with pavement, curb, gutter, and five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer, as follows:
  - a. From Otay Mesa Road to Street "B," transition to 92 feet of right-of-way, with 72 feet of full-width improvements, to 70 feet of right-of-way, with 50 feet of full-width improvements.
  - b. If the easterly alignment of Robinhood Ridge Drive is utilized, from Street "B" to Street "A," provide a 70-foot-wide right-of-way with 50 feet of full-width improvements.
  - c. If the westerly alignment of Robinhood Ridge Drive is utilized, from Street "E" to Street "A," transition

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from 70 feet of right-of-way with 50 feet of full-width improvements to 84 feet of right-of-way with 64 feet of full-width improvements.

17. Street "A" is classified as a four-lane collector street within a 92-foot-wide right-of-way. The subdivider shall dedicate a half width, from centerline, of 46 feet and shall provide 36 feet of pavement, curb, gutter, and five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, on the west side of the street, satisfactory to the City Engineer.
18. Street "B" is classified as a two-lane local industrial street within a 64-foot-wide right-of-way. The subdivider shall dedicate a 64-foot-wide right-of-way and shall provide 44 feet of pavement, curb, gutter, and five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
19. Street "C" and Street "E" are classified as a two-lane local industrial streets within a 64-foot-wide right-of-way. The subdivider shall dedicate a 64-foot-wide right-of-way and a 60-foot right-of-way radius for the cul-de-sac and shall provide 44 feet of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a 50-foot curb radius for the cul-de-sac, satisfactory to the City Engineer.
20. Street "D" is classified as a two-lane local industrial street within a 64-foot-wide right-of-way. The subdivider shall dedicate a 64-foot-wide right-of-way and shall provide 44 feet of pavement, curb, gutter, and five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
21. Water Requirements:
  - a. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
  - b. The subdivider shall update the "Water System Analysis of Two Transmission alternatives for the South San Diego/Otay Mesa Service Areas," dated September 1990, by Boyle Engineering, satisfactory to the Water Utilities Director.

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- c. The subdivider shall provide a water study, satisfactory to the Water Utilities Director, which plans the water distribution system necessary to serve this development.
- d. The subdivider shall install all facilities, as required by the approved water studies, necessary to serve this development.
- e. The subdivider shall provide a phasing plan, satisfactory to the Water Utilities Director, to program costs and assign responsibility to install all facilities required in the approved studies.
- f. The subdivider may request the City Council to process a reimbursement agreement to recover the developer's cost of study, design, and construction of certain improvements, in accordance with City regulations and practices pertaining thereto.

22. Sewer Requirements:

- a. The subdivider shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that the mains will provide adequate capacity and cleansing velocities.
- b. The subdivider shall install all facilities, as required by the approved sewer study, necessary to serve this development.
- c. The subdivider may request the City Council to process a reimbursement agreement to recover the developer's cost of study, design, and construction of certain improvements, in accordance with City regulations and practices pertaining thereto.

23. Water and Sewer Requirements:

- a. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral or provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The subdivider shall provide private easements for the private mains or show easement locations in the CC&R's.

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- b. The subdivider may request the City Council to process a reimbursement agreement to recover the developer's cost of study, design, and construction of certain improvements, in accordance with City regulations and practices pertaining thereto.

24. Environmental Mitigation Requirements:

- a. In order to mitigate land use and visual quality impacts, the Otay Corporate Center Design Guidelines dated September 1992 and specifically related to landscaping, fencing, and building setbacks shall be implemented for all individual lots. Implementation of these guidelines shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division of the Planning Department prior to the issuance of individual building permits.
- b. Prior to the issuance of a grading permit which impacts, or the recordation of a final map which subdivides, any of those lots designated 64-67 (those impacting wetlands), the subdivider shall enter into an agreement with the City, secured by a bond or other acceptable security, agreeing to implement the Dennery Canyon Vernal Pool Restoration and Preservation Plan ("Plan") in order to restore and enhance both vernal pool and coastal sage shrub habitat.

Prior to the issuance of grading permit which impacts, or the recordation of a final map which subdivides, Lots 64-70 or 34-37 (those lots impacting coastal sage scrub), the subdivider must provide coastal sage scrub mitigation, as identified in the "Plan," including revegetation, within the vernal pool restoration area identified in the "Plan."

- c. Prior to the issuance of a grading permit which impacts, or the recordation of a final map which subdivides, any of those lots designed 64-67 (those impacting wetlands), evidence shall be submitted to the Principal Planner of the Environmental Analysis Section of the Development and Environmental Planning Division of the Planning Department showing that: (a) the U.S. Army Corps of Engineers and the California Department of Fish and Game have reviewed and, if necessary, approved the "Plan"; and (b) both agencies have granted permits under their respective jurisdictions for implementation of the project, if required.


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- d. Prior to the issuance of a Land Development Permit for any areas not included in the "Plan" or the recordation of any final map, the following specific tasks described in detail in the "Plan" shall be implemented: (a) preliminary engineering and survey; and (b) installation of temporary fencing around preserve. The balance of the vernal pool requirements will be implemented in accordance with the timing and phasing schedule included in the "Plan."
- e. The restoration effort described in the "Plan" shall be monitored by the subdivider for five (5) years and until the specific success criteria has been met, to the satisfaction of the Park and Recreation Director and the Principal Planner of the Environmental Analysis Section of the Development and Environmental Planning Division of the Planning Department. A funding mechanism for perpetual maintenance of the preserve area shall be established, to the satisfaction of the Park and Recreation Director, prior to transferring ownership of the preserve to the City.
- f. Mitigation measures related to hydrology/water quality, including planting of slopes with deep-rooting, fast-growing plants, and the installation of Best Management Practices storm-water pollution-control devices, as described in the final Environmental Impact Report, shall be implemented. During project construction, temporary erosion control measures (e.g., interceptor ditches, earthen berms or dikes, temporary desilting basins, and sandbagging) shall also be implemented. These grading, improvement, and landscape requirements and requirements of any other subsequent studies required by the Engineering and Development Department during their review of grading and improvement shall be noted on the final grading and improvement plans prior to approval of a Land Development Permit. Field inspection by the Engineering and Development Department shall be required to verify that the grading and improvements is consistent with the approved plans.
- g. Mitigation measures related to geology/soils/erosion, including removal and recompaction of compressible soils where settlement-sensitive structures, fill slopes, and roads are planned, as described in the final Environmental Impact Report, shall be implemented. Periodic on-site evaluations should be made by the soil engineer or engineering geologist during grading and/or construction to monitor the site for the presence of groundwater and to make

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recommendations. In areas where cut slopes over the (10) feet are planned, drained stability fills and/or earthen buttress fills may be recommended. Foundations built on the project site may require post-tensioned systems or a heavily reinforced conventional system to support the building structure. These grading requirements and the requirements of any other studies required by the Engineering and Development Department during their review of grading and improvement shall be noted on the final grading and improvement plans prior to approval of a Land Development Permit. Field inspection by the Engineering and Development Department shall be required to verify that the grading is consistent with the approved plans.

- h. Archaeological site SDI-10.198 shall be included within the boundaries of open space Lot "C" and shall be dedicated to the City as open space with recordation of the final map. The open space area shall be protected from ground disturbance during construction of adjacent facilities and their subsequent use through the use of a permanent fence, satisfactory to the Park and Recreation Director and in conformance with the Otay Mesa Development District. Such avoidance of the open space area shall be described on the notes for the final grading plans and field inspection of the grading by the Environmental Analysis Section of the Development and Environmental Planning Division of the Planning Department shall be required as part of the final inspection.
- i. Implementation of the appropriate circulation improvements described in the approved plan shall be required prior to the issuance of building permits.
- j. Prior to the issuance of building permits on lots which exceed a total of 82 acres within this Vesting Tentative Map (as identified in the Otay Corporate Center North Transportation Phasing Plan, Table 10, of the approved *Transportation Improvements Phasing Plan for Otay Corporate Center North*), an Environmental Impact Report for an interim or ultimate SR-905 facility (or other parallel facility satisfactory to the City Engineer) shall be certified by the authorized agency and assurances for construction of the facility shall be provided to the satisfaction of the City Engineer.

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25. Lots "B" and "C" shall be deeded to the City in fee title, without cost to the City, for open space purposes, satisfactory to the Park and Recreation Department.
26. The subdivider shall grant on the final maps negative open space easements, for brush management, over a portion of Lots 34 through 37 and Lots 62 through 74. The portions of easements within slope area are to be maintained by the Land Owners' Maintenance Association.
27. The subdivider shall provide a 20-foot-wide access easement within Lot 11, to provide access to Lot "B," satisfactory to the Park and Recreation Department.
28. The subdivider shall provide fencing to protect the vernal pool preserve within Lot "B," in accordance with the approved "Dennery Canyon Vernal Pool Restoration and Preservation Plan for Otay Corporate Center and California Terraces on Otay Mesa."
29. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
30. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
31. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *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 developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement 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

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by SWRCB Order No. 92-08-DWG, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

32. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, the Otay Mesa Public Facilities Financing Plan (PFFP) was established (Council Resolution R-265681, adopted 5/12/86) and revised (Council Resolution R-279052, adopted 11/26/91) to finance the public facilities required for the community plan area.

In connection with Council approval of the each final map, the subdivider shall comply with the provisions of the Otay Mesa Public Facilities 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 an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA), the development impact fee established in conjunction with the Otay Mesa Public Facilities Financing Plan, or such other means as may have been established by the City Council.

33. This subdivision may be 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.
34. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development Department for each final map processed in connection with this vesting tentative map.
35. The subdivider may request the City Council to approve a special assessment or a Mello-Roos Community Facilities District to finance the construction and acquisition of the public improvements required of this subdivision.
36. This vesting tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment only to the extent such fees and charges are imposed not in violation of Government Code 66498.1, et seq. Any protest or judicial action regarding this condition may be brought at the time the fees or charges are imposed or levied pursuant to Government Code §66000, et seq.

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Passed and adopted by the Council of The City of San Diego on JUL 27 1993  
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"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

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

(Seal)

By Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-282409 Adopted JUL 27 1993