

(R-94-604)

RESOLUTION NUMBER R-282811

ADOPTED ON OCTOBER 12, 1993

WHEREAS, on September 23, 1993, the Planning Commission recommended approval of Tentative Map No. 92-0736 submitted by Gatlin Development Company for a 17-lot tentative subdivision map and a partial underground waiver for the Palm Plaza Walmart project located east of I-805, south of Palm Avenue and north of Del Sol Boulevard, and described as being a portion of the northeast quarter of Section 25, Township 18 South, Range 2 West, San Bernardino Meridian, in the Otay Mesa Community Plan area, in the A-1-10 zone (proposed CA and A-1-10 zones); and

WHEREAS, the matter was set for public hearing on October 12, 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 Tentative Map No. 92-0736:

1. The map proposes the subdivision of a 88-acre site into 17 lots for commercial development. This type of development is consistent with the General Plan and the Otay Mesa Community Plan which designate the area for commercial 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 CA and A-1-10 zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Commercial Development/Resource Protection Ordinance/Conditional Use Permit (PCD/RPO/CUP).

b. All lots meet the minimum dimension requirements of the CA and A-1-10 zones, as allowed under a PCD/RPO/CUP.

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, as allowed under a PCD/RPO/CUP.

d. Development of the site is controlled by Planned Commercial Development/Resource Protection Ordinance/Conditional Use Permit No. 92-0736.

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 commercial 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 Environmental Impact Report No. 92-0736 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 Environmental Impact Report.

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.

9. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.

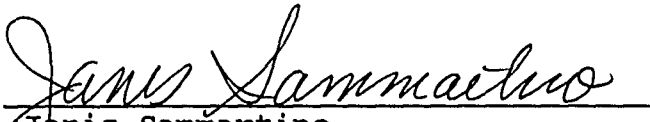
10. The design of the proposed, privately-owned, underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code section 101.0404 and Council Policy No. 600-25.

11. The requested waiver qualifies under the guidelines of Council Policy No. 600-25 in that the conversion would involve either a substantial investment in temporary facilities (cable poles, temporary recircuiting, etc.) or a significant amount of work considered off-site to the development which is financing the conversion.

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 Tentative Map No. 92-0736 is hereby granted to Gatlin Development Company, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Janis Sammartino
Senior Chief Deputy City Attorney

JS:lc
10/18/93
Or Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
TENTATIVE MAP NO. 92-0736

1. This tentative map will expire October 12, 1996.
2. The final map shall conform to the provisions of Planned Commercial Development/Resource Protection Ordinance/Conditional Use Permit No. 92-0736.
3. 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.

4. "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).
5. "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."
6. 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

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ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

7. The approval of this tentative map by 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.).
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 62.0415 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, with the exception of the existing utility systems as shown on the approved tentative map.
10. Prior to the recordation of the final map, a Transportation Demand Management (TDM) Plan shall be submitted to, and approved by, the TDM Administrator.
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.
12. This subdivision shall be responsible for the construction of required facilities as identified in the approved traffic study, satisfactory to the City Engineer.
13. Palm Avenue is classified as a seven-lane primary arterial street with bike lanes. The subdivider shall dedicate a minimum of 74 feet from centerline of Palm Avenue from the centerline of Street "A" (Dennery Ranch Road) westerly approximately 575 feet, transitioning to the bridge, and shall provide half-width improvements of pavement, curb, gutter, five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and half of a 14-foot-wide, raised, center median, satisfactory to the City Engineer. No mid-block median openings shall be allowed. Additional right-of-way may be required due to ultimate I-805/Palm Avenue

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interchange improvements. The subdivider shall also construct required off-site improvements to I-805 identified in Figure 36 of the subdivider's May 1993 Traffic Study, prepared by Kimley Horn Associates, which has been approved by the City Engineer, satisfactory to CalTrans and the City Engineer.

14. Street "A" (Dennery Ranch Road) is classified as a four-lane major street, with bike lanes, within a 98-foot-wide right-of-way and additional right-of-way where dual left-turn lanes are required. The subdivider shall dedicate 98 feet of right-of-way, on-site and off-site, between Palm Avenue and Del Sol Boulevard, additional right-of-way where dual left-turn lanes are required, and additional right-of-way to accommodate an exclusive right-turn lane at Driveway "D" and shall provide full-width improvements, on-site and off-site, between Palm Avenue and Del Sol Boulevard, of pavement, curb, gutter, five-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance, and a 14-foot-wide raised, landscaped, center median, satisfactory to the City Engineer.
15. Del Sol Boulevard is classified as a four-lane collector street, with bike lanes, within a 92-foot-wide right-of-way. The subdivider shall dedicate a 92-foot-wide right-of-way westerly of Street "A" (Dennery Ranch Road), transitioning to the existing 84-foot-wide right-of-way at I-805, and shall provide full-width improvements of pavement, curb, gutter, and five-foot-wide sidewalk on both sides of the street within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
16. The subdivider shall provide traffic signals at the following intersections, satisfactory to the City Engineer:
 - a. Street "A" (Dennery Ranch Road) and Driveway "D"
 - b. Street "A" (Dennery Ranch Road) and Driveway "E"
 - c. Palm Avenue and Street "A" (Dennery Ranch Road)
 - d. Del Sol Boulevard and Street "A" (Dennery Ranch Road)
17. A reimbursement district, in accordance with the provisions of Section 62.0208 of the Municipal Code, may be established by the City Council to recover a portion of the costs of constructing the required public improvements.
18. The subdivider shall contribute a fair share toward the improvements for the I-805 and Palm Avenue interchange identified in Figure 35 of the subdivider's May 1993 Traffic

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- Study and referenced in the subdivider's July 1993 Fair Share Analysis, prepared by Kimley Horn Associates, which has been approved by the City Engineer.
19. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for widening of the I-805/Palm Avenue bridge.
 20. The subdivider shall be required to provide traffic signals to the easterly and westerly I-805 ramps at their intersection with Palm Avenue southbound off-ramp widening and restriping of the Palm Avenue bridge over I-805 as identified in Figure 36 and in the subdivider's July 1993 Fair Share Analysis, satisfactory to CalTrans and the City Engineer.
 21. The raised center median in Street "A" (Dennery Ranch Road) shall be constructed as follows:
 - a. allow northbound left turns into Driveways "F" and "G" and prohibit left turns out;
 - b. allow southbound "U"-turns at the signalized intersections at Driveways "D" and "E"; Driveways "D" and "E" shall be 60 feet in width; and
 - c. provide a left-turn pocket at Del Sol Boulevard.
 22. Driveways "B" and "C" shall be right-turn in/out only.
 23. Driveway "A" (Dennery Ranch Road) shall be right-run in only.
 24. Prior to the recordation of the final map, the subdivider shall create a mutual-access easement between all lots shown on the tentative map, satisfactory to the City Engineer.
 25. Water Requirements:
 - a. The subdivider shall show the future alignment of a 36-inch water pipeline in Street "A" (Dennery Ranch Road) from Palm Avenue to Del Sol Boulevard, satisfactory to the Water Utilities Director, on any improvement plans for Street "A" (Dennery Ranch Road).
 - b. The subdivider shall install a 16-inch water main in Street "A" (Dennery Ranch Road), from Palm Avenue to Del Sol Boulevard, satisfactory to the Water Utilities Director.

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- c. The subdivider shall install a 20-inch water pipeline, located within a 30-foot-wide water easement (with vehicular access), from the existing 20-inch pipeline (2,700 feet south of Palm Avenue on the east side of I-805) to the water main in Street "A" (Dennery Ranch Road), satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easement without first obtaining an Encroachment Removal Agreement from the City Engineer.
- d. The subdivider shall install a 16-inch water main in Palm Avenue from Street "A" (Dennery Ranch Road) west to the 16-inch water main required by the Gateway Plaza (TM 90-0242), satisfactory to the Water Utilities Director. If Gateway Plaza does not construct, then the subdivider shall extend a water main to the 33-inch pipeline, satisfactory to the Water Utilities Director.
- e. The subdivider shall install a 16-inch water main in Del Sol Boulevard from Street "A" west to the existing 24-inch water pipeline in Del Sol Boulevard, satisfactory to the Water Utilities Director.
- f. The subdivider shall install, on-site, a system of looping water mains, satisfactory to the Water Utilities Director.
- g. The subdivider shall calculate and pay this development's pro rata share for the cost of updating "Water System Analysis of Two Transmission Alternatives for the South San Diego/Otay Mesa Service Areas" by Boyle Engineering, dated September 1990, satisfactory to the Water Utilities Director.
- h. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
- i. The developer shall provide a water study to show that the existing water facilities can adequately serve the proposed development, satisfactory to the Water Utilities Director.

26. Sewer Requirements:

- a. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that existing and

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proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.

- b. The developer shall install all facilities, as required by the approved sewer study.
- c. The subdivider shall grant adequate sewer easements, satisfactory to the Water Utilities Director, for all sewer facilities not located within a City street. All such facilities shall have vehicular access. No structures of any kind shall be built in or over the easement without first obtaining an Encroachment Removal Agreement from the City Engineer.

27. Water and Sewer Requirements:

- a. The developer 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 developer shall provide private easements for the private mains or show easement locations in the CC&R's.
 - b. Providing water and sewer for this subdivision is dependent upon the prior construction of certain water and sewer mains in previously approved TM 90-0242 in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
28. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
29. 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.
30. 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*

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

31. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 92-0736, satisfactory to the Planning Director and the City Engineer.
32. Open Space Requirements:
 - a. Lots "A" (Dennery Ranch Road) and "B" shall be deeded to the City, in fee title, for open space, at no cost to the City, and shall be free and clear of any private encroachments, liens, or private agreements.
 - b. Any disturbed ares and/or manufactured slopes within Lots "A" (Dennery Ranch Road) and "B" shall be replanted with native plants and, where necessary, shall have a temporary irrigation system. The lots shall not be accepted into the City inventory until the plants are in a healthy and vigorous condition. The landscaping and irrigation plans must be satisfactory to the Park and Recreation Director.
33. This subdivision is in a community plan area designated in the General Plan as Planned 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 an agreement

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for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

34. The subdivider shall comply with the Memorandum of Understanding, approved by City Council on October 12, 1993, by Resolution R-282814, satisfactory to the Planning Director and the City Engineer, as follows:
- shall design and construct a public restroom facility at Palmridge Neighborhood Park, to the satisfaction of the Park and Recreation Director, prior to issuance of any Certificate of Occupancy at the Palm Promenade project site;
 - shall provide and install, or otherwise ensure, a maximum of 38 palm trees, to be provided in accordance with CIP Project 52-512.0, for a portion of Palm Avenue located west of I-805;
 - shall provide, or otherwise ensure, maintenance of the trees (approximately \$3,000 per year) for a maximum period of nine (9) years.

All construction, repairs, irrigation, utilities, or other work included in CIP Project 52-512.0 shall be the responsibility of the City.

FOR INFORMATION:

- This development 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.
- This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

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

OCT 12 1993

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 Lepera* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **282811** Adopted **OCT 12 1993**