

RESOLUTION NUMBER R-290281

ADOPTED ON JUNE 16, 1998

WHEREAS, Eastgate Acres, LLC, Applicant, and Latitude 33, Engineer, filed an application for a 5-parcel vesting tentative parcel map for the Eastgate Acres project [Vesting Tentative Parcel Map No. 96-7756] located northerly of Towne Centre Drive and Westera Court, and described as Lot B according to Referees Partition Map of the Pueblo Lot 1320 of Pueblo Lands of the City of San Diego, in the University Community Plan area, in the R-1-5000 (proposed SR) Zone; and

WHEREAS, on April 30, 1998, the Planning Commission of The City of San Diego considered Vesting Tentative Parcel Map No. 96-7756, and voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on June 16, 1998, 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 Parcel Map No. 96-7756:

1. The map proposes the subdivision of a 34.02-acre site into 5 lots for scientific research development. This type of development is consistent with the General Plan and the University Community Plan which designate the area for scientific research 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 SR zone in that:
  - a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, only as allowed under a Planned Industrial Development/Resource Protection Ordinance (PID/RPO) permit.
  - b. All lots meet the minimum dimension requirements of the SR zone, only as allowed under a PID/RPO.
  - 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, only as allowed under a PID/RPO.
  - d. Development of the site is controlled by PID/RPO Permit No. 96-7756.
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 scientific research 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 scientific research uses.
6. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Mitigated Negative Declaration No. 96-7756 which is included herein by this 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 or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

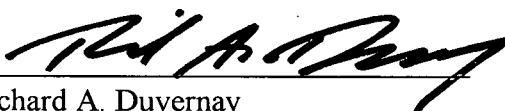
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate 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 Parcel Map No. 96-7756 is hereby granted to Eastgate Acres, LLC, Applicant, and Latitude 33, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

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08/24/98  
Or.Dept:Clerk  
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CITY COUNCIL CONDITIONS TO VESTING TENTATIVE PARCEL MAP NO. 96-7756  
ADOPTED BY RESOLUTION NO. R-290281 ON JUNE 16, 1998

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter; if the rezone is denied this vesting tentative parcel map shall be deemed denied.
2. The final map shall conform to the provisions of the PID/RPO Permit No. 96-7756.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map, unless otherwise noted.
4. 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.

5. "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).
6. "California Coordinate System" means the coordinate system as defined in Sections 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."
7. 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.

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- 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. 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.
8. 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 U.S.C. Section 1531 et seq.).
9. The subdivider must provide a geologic (geotechnical) investigation 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.
10. 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.
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. Towne Centre Drive is classified as a 2 lane collector. The subdivider shall provide a temporary public improvement consisting of pavement which is a 70 foot radius cul-de-sac at the northernmost entrance, shall provide an irrevocable offer of dedication for future extension of Towne Centre Drive and shall enter into a bonded deferred improvement agreement for the construction of full-width public improvements along project frontage for the future extension of Towne Centre Drive satisfactory to City Engineer.
13. The subdivider shall provide mutual access easements and a shared parking agreement, satisfactory to the City Engineer.

14. The subdivider shall construct pedestrian ramps on the northside of Towne Centre Drive, opposite Westera Court.
15. The landscape and brush management shall be designed and constructed in accordance with the Landscape Technical Manual.
16. The subdivider shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with Sections 62.0401 through 62.0423 of The City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
17. The drainage system proposed for this scientific research development, as shown on the vesting tentative map, is subject to approval by the City Engineer.
18. 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 acknowledgment 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.

19. 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 Development Services Manager. This compliance shall be achieved by entering into an agreement for

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

20. This tentative map is a vesting tentative parcel map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.

21. **WATER AND SEWER REQUIREMENTS:**

- a. The subdivider 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 are located on a dead-end main then the subdivider shall install a looped water system.
- b. The subdivider shall design all public water and sewer facilities to the most current edition of the "City of San Diego Water & Sewer Design Guide." If facilities do not meet the current standards, then such facilities shall be private.
- c. The subdivider shall grant adequate water, sewer, and/or vehicular access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
- d. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Managers, indicating that each lot will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. Also, provide private easements for the private mains.
- e. Providing water and sewer for this development is dependent upon prior construction of certain water and sewer facilities in previously approved VTM 88-0076 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 facilities, as required by the City Engineer, will become off-site improvements required for this development.

22. **ENVIRONMENTAL CONDITIONS:**

Cultural Resources

- a. Prior to the issuance of any grading permits, the subdivider shall provide verification that a qualified archaeologist and/or archaeological monitor has been retained to implement the archaeological monitoring program. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Environmental Analysis Section of Development Services. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists (SOPA). At least 200 hours of field experience required for certification must have been obtained in southern California. Uncertified individuals who believe they meet the requirements for certification may submit evidence of their qualifications to Development Services. An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING MUST BE APPROVED BY THE ENVIRONMENTAL ANALYSIS SECTION STAFF PRIOR TO THE PRECONSTRUCTION MEETINGS FOR THE MONITORING PROGRAM.**

The qualified archaeologist shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement for archaeological monitoring shall be noted on the grading plans.

- b. The qualified archaeologist or archaeological monitor shall be present on-site during construction activity involving brush removal and the initial stages of grading to inspect for in-situ sites.
- c. In the event that cultural resources are discovered, the archaeologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation of potentially significant archaeological resources. **AT THE TIME OF DISCOVERY, THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY THE ENVIRONMENTAL ANALYSIS SECTION STAFF OF SUCH FINDING.** The significance of the discovered resource shall be determined by the archaeologist, in consultation with the Environmental Analysis Section. The Environmental Analysis Section must concur with the evaluation procedures to be performed before construction activities are allowed to resume.



For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

- d. All collected cultural remains shall be cleaned, cataloged and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate.
- e. Prior to the issuance of any grading permits, a monitoring report, with appropriate graphics, which describes the results, analysis, and conclusions of the above program shall be prepared and submitted for approval by the Environmental Review Manager of the Environmental Analysis Section. Also, any sites or features encountered shall be recorded with the South Coastal Information Center at San Diego State University and at the San Diego Museum of Man.

#### Paleontological Resources

- f. Prior to the issuance of any grading permits, the subdivider shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Environmental Review Manager of Environmental Analysis Section of Development Services. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY THE ENVIRONMENTAL ANALYSIS SECTION.**
- g. The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans.

- h. The paleontologist or paleontological monitor shall be on-site full-time during original cutting of previously undisturbed sediments of the Ardath Shale and Lindavista Formations to perform periodic inspections of excavations and, if necessary, to salvage exposed fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated and the abundance of fossils.
- k. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. **AT THE TIME OF DISCOVERY, THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY THE ENVIRONMENTAL ANALYSIS SECTION STAFF OF SUCH FINDING.** The Environmental Analysis Section shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- l. All collected fossil remains shall be cleaned, sorted and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).
- m. Prior to the issuance of any building permits, the subdivider shall submit a monitoring results report for approval by the Environmental Review Manager of EAS. The monitoring results report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.

#### Biological Resources

- n. Prior to issuance of any building permits, the subdivider shall conduct a gnatcatcher survey, if grading will occur between March 1 and August 15 (breeding season for the California gnatcatcher). If survey results are negative, then no further mitigation is required. If gnatcatchers are present and grading is to occur during the breeding season, then a temporary 4- foot to 6-foot plywood wall or dirt berm shall be constructed at the slope edge. However, if the applicant chooses not to conduct a gnatcatcher survey, then the temporary wall or berm shall be constructed. If grading will occur before March 1 and after August 15, than no biological mitigation would be required for this project.

Alternative mitigation measures based on a biology survey and specific acoustical study may be proposed by the applicant, and if acceptable to the Environmental Review Manager, may replace the above mitigation measures.

- o. Prior to issuance of any building permits, the subdivider shall show on plans that lighting of all developed areas adjacent to the Multiple Habitat Planning Area (MHPA) shall be directed away from the MHPA. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably natives), berming and/or other methods to protect the MHPA and sensitive species from night lighting. These conditions should be clearly indicated on the project site plan.
- p. Prior to issuance of any grading permits, the final map shall indicate a "Fee Simple" open space lot deeded to The City of San Diego that encompasses the MHPA on-site. The initial "Fee Simple" dedication shall consist of 8.7-acres with the balance to be dedicated to the City of San Diego once the available mitigation credits are allocated. The total mitigation requirement for the project is 5.8 acres of coastal sage scrub and 2.9 acres of mixed chaparral, which shall be met by on-site preservation within the MHPA. The management plan for the open space lot shall incorporate the City's MHPA Land Use Adjacency Guidelines.
- q. Prior to the issuance of any grading permits, the subdivider shall show that sediment basins, desilting basins or silt traps shall be installed in conjunction with the initial grading operations and maintained throughout the development process, as well as during the operation period, as necessary, to remove sediment from runoff waters draining from the land undergoing development consistent with State Water Resources Board (SWRB) requirements.
- r. Installation of grassed swales/infiltration trenches/or fossil filter systems at parking lot boundaries for pollutant control shall be designed to the City Engineer's standards for Urban Storm Water Management (Best Management Practices). Design and implementation shall be to the satisfaction of the City Engineer.
- s. A grading plan that incorporates runoff control procedures to be utilized during all phases of project development shall be prepared and submitted concurrently with subdivision improvement plans, where such development is proposed on land that will be graded or filled. Such a plan shall be prepared by a registered civil engineer and shall be designed to ensure that there will be no significant increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years. Runoff control shall be accomplished by establishing on-site catchment basins,

detention basins and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness. Alternative designs for the implementation of runoff and erosion control devices on individual lots, at the site planning stage, shall be approved by the City Engineer and Development Services Manager. The grading plan shall also incorporate a maintenance program for erosion and runoff control measures which shall be approved by the City Engineer and Development Services Manager.

- t. In addition to the above mitigation measures/conditions for biology, the following shall be made a condition of approval:

Third Party Beneficiary Status  
Standard Condition

The issuance of this permit by The City of San Diego does not authorize the applicant 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 U.S.C. § 1531 et seq.).

- u. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon subdivider the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997 and on File in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon subdivider by the City: (1) to grant permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure subdivider that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon subdivider maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by subdivider of mitigation

obligations required by this permit, as described in accordance with Section 17.1D of the IA.

The above Mitigation Monitoring and Reporting Program will require a deposit of \$450.00 to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

**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 Development Services Manager.
- This vesting tentative parcel map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.