

RESOLUTION NUMBER R-290615

ADOPTED ON AUGUST 4, 1998

WHEREAS, Cousins MarketCenters, Inc., Applicant, and Project Design Consultants, Engineer, filed an application for a 17 lot vesting tentative map for the Mira Mesa MarketCenter project (Vesting Tentative Map No. 96-7371), located west of Interstate 15, south of Mira Mesa Boulevard, and described as all that Portion of the East Half of the Northeast Quarter of Section 31; a Portion of the West Half of the Northwest Quarter of Section 32; a Portion of the West Half of the Southwest Quarter of Section 32; a Portion of the Northeast Quarter of the Southeast Quarter of Section 31, all of Township 14 South, Range 2 West, SBM, in the Mira Mesa Community Plan area, in the A-1-1 (proposed CA) Zone; and

WHEREAS, on July 30, 1998, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 96-7371 and recommended that the City Council approve the map and related actions for the Mira Mesa MarketCenter project; and

WHEREAS, the matter was set for public hearing on August 4, 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 Map No. 96-7371:

1. The map proposes the subdivision of a 62.82-acre site into 17 lots for mixed use development. This type of development is consistent with the General Plan and the Mira Mesa Community Plan, as amended, which designate the area for community commercial and medium

density residential 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 and development regulations of the CA 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 Residential Development/Planned Commercial Development/Resource Protection Ordinance/Conditional Use Permit (PRD/PCD/RPO/CUP).

b. All lots meet the minimum dimension requirements of the CA zone, only as allowed under a PRD/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, only as allowed under a PRD/PCD/RPO/CUP.

d. Development of the site is controlled by PRD/PCD/RPO/CUP Permit No. 96-7371.

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 mixed use 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 community commercial and medium density residential uses.

6. The design of the subdivision and the proposed improvements are not 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. 96-7371, which is included herein by this reference. However, as a result of the potential for unmitigated impacts, findings have been made pursuant to Public Resources Code section 21081(c) that specific economic, social, technical, legal, 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.

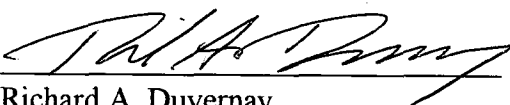
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as

determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

The 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. 96-7371 is hereby granted to Cousins MarketCenters, Inc., and Project Design Consultants, 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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10/21/98
Or.Dept:Clerk
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Reviewed by Mike Westlake

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 96-7371
ADOPTED BY RESOLUTION NO. R-290615 ON AUGUST 4, 1998

1. This tentative map will become effective on the effective date of the rezone and will expire three years thereafter. If the Community Plan Amendment, rezone and/or the street vacation is denied, then this vesting tentative map shall be deemed denied.
2. 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.
3. The final map shall conform to the provisions of PCD/CUP/RPO Permit No. 96-7371.
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. 769830.

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 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."
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 subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 96-7371, satisfactory to the Planning Director and the City Engineer, which is included herein by this reference.
9. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
10. The subdivider must provide a geologic reconnaissance 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.
11. 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.
12. 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. § 1531 et seq.).
13. 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.
14. The subdivider shall provide the following improvements satisfactory to the City Engineer

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- a. To enhance operating characteristics on Mira Mesa Boulevard parking along the south side of Mira Mesa Boulevard from Black Mountain Road to I-15 shall be restricted.
- b. The addition of cumulative project traffic creates the need for a fifth eastbound through travel lane at the intersection of Westview/Mira Mesa. This improvement shall be accommodated in the curb lane along the project frontage. The proposed lane also accommodates direct driveway access for the project to Mira Mesa Boulevard. This lane shall extend to I-15 and become an additional lane to the ramp entrance for southbound I-15. The subdivider shall dedicate additional right-of-way as required.
- c. Dedicate and Construct Westview Parkway from Mira Mesa Boulevard to Hillary Drive to a modified urban four lane collector roadway standards to the satisfaction of the City Engineer per the channelization plan on file with the City of San Diego.
- d. Modify the traffic signal at Mira Mesa Boulevard/Westview Parkway to accommodate Westview Parkway extension, Mira Mesa Boulevard widening and dual westbound left turn lanes. The configuration shall consist of: Eastbound (2 lefts, 5 throughs), westbound (2 lefts, 4 throughs, 1 right), north/southbound (2 lefts, 2 throughs, 1 right).
- e. Install a traffic signal at Westview Parkway/Project Access, to include appropriate lane geometrics as discussed in the traffic study and the Channelization Plan. The northbound approach requires only one left turn lane. The eastbound project access requires dual left turn lanes based on traffic volumes.
- f. Install a traffic signal at Hillery Drive/Westview Parkway to the satisfaction of the City Engineer.
- g. Dedicate and Construct Hillery Drive to two lane collector standards with a continuous left turn lane from Westview Parkway to the project's western boundary. From the western boundary to Black Mountain Road, construct Hillery Drive to modified four lane collector standards (54') within existing rights of way to the satisfaction of the City Engineer.
- h. Restripe the east/west approaches at Hillery Drive/Black Mountain Road to provide left and through/right lanes at the Hillery Drive approaches to this intersection to the satisfaction of the City Engineer.

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- i. Modify traffic signal at Hillery Drive/Black Mountain Road to allow left turn phasing.
- j. Provide turnaround provisions at the north and south ends of the driveways within the eastern residential portion of the project.
- k. Hillery Drive cul-de-sac shall be designed and constructed to satisfaction of the City Engineer.
- l. Construct the fourth eastbound lane of Mira Mesa Blvd. along the project frontage adjacent to the subdivision, with east-west interconnected signal system between Black Mountain Road and Interstate 15.
- m. Provide emergency access between the commercial and residential portions of the project to the satisfaction of the City Engineer and the Fire Department.
- n. Provide emergency access to the eastern residential site through the terminus of Maya Linda Drive.

The subdivider shall provide controlled access for the emergency - access points, and said access shall be constructed in a manner satisfactory to the Fire Department and the City Engineer.

The emergency access easement between the southerly subdivision boundary and Maya Linda Rd. is over City owned property. A right of entry permit and/or compensation may be required, as determined by Real Estates Assets.

- 15. The subdivider shall participate in the various transportation improvements identified in the Eight Owners Agreement for the area which determined each property owners' share of the various off-site public facilities not covered by the FBA fees. These improvements are conditions of the Vesting Tentative Map and must be completed in a manner satisfactory to the City Engineer.
- 16. The subdivider shall pay their fair share of the following improvements, satisfactory to the City Engineer:
 - a. Improvements to the Mira Mesa Boulevard/Black Mountain Road intersection to include northbound Black Mountain Road right turn lane.

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- b. Improvements of Black Mountain Road to add a third north/south through lanes. The adopted community plan identifies these improvements but restricts their consideration until SR-56 is constructed. At that time the need for the improvements will be evaluated.
 - c. Improvement of Mira Mesa Boulevard to add a fourth eastbound through lane from Black Mountain Road to project's westerly boundary. The feasibility of this project has been investigated and determined to not be feasible due to right-of-way and existing development constraints.
- 17. The subdivision is in established Cost Reimbursement Districts and the subdivider will be required to pay all required cost prior to the recordation of the final map
 - 18. The subdivider shall construct pedestrian ramps at all street intersections.
 - 19. All driveways shall be perpendicular to the curve and shall be designed and constructed per City Standard Drawings G-14, G-16 and SDG-100
 - 20. With the exception of the three driveways, the subdivider shall relinquish abutters rights of access to Mira Mesa Boulevard.
 - 21. This subdivider shall provide a letter of approval from CalTrans.
 - 22. The subdivider shall provide reciprocal access easements as required.
 - 23. The subdivider shall provide signage at various locations directing people to the transit center and the over flow parking lot, satisfactory to the City Engineer and Metropolitan Transit Development Board.
 - 24. This subdivision purposes the vacation of unnamed streets and water easements and the revestment of access rights, some of which the City has a fee interest. Concurrently or prior the approval of the final map, the City shall be compensated at the fair market value, the amount to be determined by the City Manager.
 - 25. Water
 - a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development.

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- b. 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) dwelling units are located on a dead-end main then the subdivider shall install a looped water system.
- c. The subdivider shall install all facilities as required in the accepted water study, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study.
- d. If this development impacts the existing water pipelines traversing the site, the subdivider shall be responsible for any damage caused to or by the pipelines.
- e. The subdivider shall grant 50-foot-wide water easements over the existing 60-inch and 66-inch pipelines, located in Hillery Drive, an unnamed street, and substandard easements, satisfactory to the Water Department Manager. The easements shall contain paved 20-foot-wide vehicular roadways. No structures shall be installed within the easements. No trees or shrubs shall be installed within ten (10) feet of any pipeline. No encroachments shall be allowed within the easements prior to the subdivider obtaining appropriate encroachment removal agreements.

26. Sewer

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains and to show that the existing and 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 subdivider shall install all facilities, as required by the accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.

27. Water and Sewer

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- a. The subdivider shall grant adequate water, sewer, and/or 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.
 - b. The subdivider shall design all proposed public water and sewer facilities to the most current edition of the "City of San Diego Water & Sewer Design Guide." Facilities that do not meet the current standards shall be private.
 - c. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Manager, indicating that each lot will have its own water service and sewer lateral or provide CC&Rs or other reciprocal agreement 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.
 - d. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water as specified in City Council Ordinance O-17327. The subdivider shall design and install a reclaimed water distribution system within the subdivision in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution within the City of San Diego" satisfactory to the Metropolitan Wastewater Department Manager. The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
28. The drainage system proposed for this subdivision, 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

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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 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.

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

32. This tentative map is a vesting tentative 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.
33. Complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the Development Service Manager for approval. The construction documents shall be in substantial conformance

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with Exhibit "A," Landscape Concept Plan, dated August 4, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Vesting Tentative Map has been granted.

34. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, and appurtenances, within the City right-of-way adjacent to and within this subdivision, until such time a landscape maintenance district or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.
35. The landscape shall be designed and constructed in accordance with the Landscape Technical Manual.

FOR INFORMATION:

- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Mira Mesa Community Plan area.
- 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 map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.