

RESOLUTION NUMBER R-292171

ADOPTED ON SEPTEMBER 14, 1999

WHEREAS, the Southeastern Economic Development Corporation, Applicant, and RBF & Associates, Engineer, submitted by an application to The City of San Diego for a 9-lot tentative map (Tentative Map No. 96-0338 for the Imperial Marketplace project), located south of Imperial Avenue, north of Ocean View Boulevard, west of 45th Street, and legally described as Lot 30 of Map 9568; Lot 31 of Map 9615; Lot 151 of Map 9779; Lots 152 and 195 of Map 9786; and all of North Creek Homes, Unit 2, Map 12030, in the Southeast San Diego Planned District, in the SF-5000 or CT-2 zones; and

WHEREAS, on August 5, 1999, the Planning Commission of The City of San Diego considered Tentative Map No. 96-0338, and voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on September 14, 1999, 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. 96-0338:

1. The map proposes the subdivision of a 42.01-acre site into 9 lots for commercial development (7 commercial and 2 open space). This type of development is consistent with the General Plan and the Southeast San Diego 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 and development regulations of the CT-2 zone 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 Southeast San Diego Planned District [SSDPD] permit.
 - b. All lots meet the minimum dimension requirements of the CT-2 zone, as allowed under a SSDPD permit.
 - 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 SSDPD permit.
 - d. Development of the site is controlled by Southeast San Diego Planned District/Resource Protection Ordinance Permit No. 96-0338.
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 unavoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Report No. 96-0338, 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.
 9. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307.

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

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66499.20 1/2, portions of Arkhaven Place, Davidjon Road, Edgefield Way, Lauraden Terrace, Sandgate Lane, and San Pasqual Drive, as shown on Tentative Map No. 96-0338, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 96-0338 is granted, subject to the additional conditions listed below, to the Southeastern Economic Development Corporation, subject to the conditions attached hereto and made a part hereof.

That the Applicant's proposed alternative identified in the Report to the Planning Commission, Report No. P-99-129, is approved as follows:

a. Remove draft Tentative Map Conditions 23, 24, and 25 therefrom and place them in the permit, and allow SEDC to enter into a memorandum of understanding without a secured bond with the City regarding the costs of mitigating the significant cumulative traffic impacts of the project.

b. Delete draft Tentative Map Condition 32(a) so that the City would assume the maintenance responsibility for landscaping in Street A and Lots A and B provided the City is reimbursed for maintenance from tax increment funds provided by SEDC so that there would be no impact upon the City's General Fund.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney


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Or.Dept:Clerk
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Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 96-0338
ADOPTED BY RESOLUTION NO. R-292171 ON SEPTEMBER 14, 1999

1. This tentative map will become effective on the date of the City Council approval and expire three (3) years thereafter. Should the City Council deny the associated street vacations, then this 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 Southeast San Diego Development/Resource Protection Ordinance Permit No. 96-0338.
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 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. The 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.

 292171

- 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 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.
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. The subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report, LDR No. 96-0338, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area:

Transportation/Circulation
Biological Resources
Hydrology/Water Quality


 - 292171

Cultural Resources
Paleontological Resources


13. Concurrent with City Council approval of the final map the subdivider shall terminate the Subdivision Improvement Agreement and associated documents and drawings for North Creek Homes Unit No. 2, Map 12030.
14. The subdivider shall enter into a shared parking agreement to satisfy parking requirements for each lot.
15. All landscaping shall be in accordance with the Landscape Technical Manual.
16. The subdivider shall provide mutual access easements as required, satisfactory to the City Engineer and the Planning and Development Review Manager.
17. The City shall revest, to the property owner, the abutters rights of access to Imperial Avenue at the project access points as shown on the approved tentative map. The subdivider shall relinquish abutter rights access to Imperial Avenue for the remainder of the project frontage.
18. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping, within the City right-of-way, adjacent to this subdivision until a landscape maintenance district, property owner's association or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.
19. Imperial Avenue is classified as a four lane major street. The subdivider shall dedicate additional right of way and construct Imperial Ave, as shown on the tentative map, with a raised median, pavement, curb, gutter, and sidewalk. Additional improvements to Imperial Avenue are as follows, all satisfactory to the City Engineer;
 - a. Provide a traffic signal at the main entrance driveway. Provide three outbound lanes (one left turn, one shared left/through and one right turn lane).
 - b. Provide a westbound left-turn pocket at least 250 feet in length on Imperial Avenue at the main entrance driveway.

R- 292171

- c. Provide a 20-foot wide eastbound curb lane on Imperial Avenue for a 160-foot long turn pocket with a 90-foot long transition at the main entrance driveway.
 - d. Provide a 20-foot wide eastbound curb lane on Imperial Avenue for a 160-foot long turn pocket with a 90-foot long transition at Street "A."
 - e. Lower Imperial Avenue for a distance of 840 feet \pm west of the main driveway to provide adequate stopping sight distance for eastbound traffic.
 - f. Extend the raised median at the western driveway on Imperial Avenue to prohibit left turns out of the driveway but allow left turns into the driveway.
20. Street "A" is classified as modified collector street. North of the culvert the subdivider shall dedicate a 51-foot right-of-way and provide 34 feet of pavement (two 12-foot lanes and a 10-foot center turn lane) curb, gutter and a 5-foot wide sidewalk on the west side of the street within a 7-foot curb to property line distance. The east side of the street shall have a five 5-foot wide sidewalk from the culvert, north to the pedestrian trail within a ten-foot curb to property line distance.
- From Ocean View Boulevard to the northerly end of the culvert the subdivider shall dedicate a 45-foot right-of-way and provide 28 feet of pavement curb, gutter, and a 5-foot wide sidewalk within a 10-foot curb to property line distance on the west side of the street and a 5-foot wide sidewalk within a 7-foot curb to property line distance on the east side of the street, all satisfactory to the City Engineer.
- Provide two-way left-turn lane on Street A from 150 feet south of the most southerly driveway to Imperial Avenue. Parking shall be prohibited on both sides of Street A.
- Provide driveways on Street A no less than 150 feet from Imperial Avenue or Ocean View Boulevard.
21. Ocean View Boulevard is classified as a four lane major street between 32nd Street and 40th Street and as a two lane collector east of 40th Street. The subdivider shall widen the northerly portion of Ocean View Boulevard, as shown on the tentative map, to match existing improvements and provide curb, gutter

 292171

- and a 5-foot wide sidewalk within a 15-foot curb to property line distance, satisfactory to the City Engineer.
22. The subdivider shall provide a traffic signal at the intersection of Imperial Avenue and 40th Street, satisfactory to the City Engineer.
 23. The subdivider shall construct bus stops on the south side of Imperial Avenue and on the north side of Ocean View Boulevard. The exact location of the bus stops will be determined by MTDB. The bus stops shall be designed and constructed, in accordance with MTDB's "Designing for Transit" manual, satisfactory to MTDB and the City Engineer.
 24. The subdivider shall construct pedestrian ramps at all street intersections, including on the south side of Ocean View Boulevard.
 25. The subdivider shall replace all missing and damaged curb, gutter and sidewalk on Imperial Avenue and Ocean View Boulevard, adjacent to this subdivision.
 26. Water Requirements:
 - a. Prior to the recordation of the final map and the submittal of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Director. The study shall plan on-site water facilities necessary to serve this development and the points of connection to the existing water system.
 - b. The subdivider shall install all facilities 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.
 - c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) equivalent dwelling units are located on a dead-end main then the subdivider shall install adequate facilities to provide a redundant water supply.
 27. Sewer Requirements:
 - a. Prior to the recordation of the final map and the submittal of any public improvement drawings, the subdivider shall provide a sewer study,

 292171

satisfactory to the Metropolitan Wastewater Department Director, for the sizing of gravity sewer mains and to show that the existing and proposed facilities 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 base on the accepted sewer study.

28. Water and Sewer Requirements:

- a. The subdivider agrees to design and construct all proposed public water and sewer facilities, including easements, in accordance with established criteria in the most current edition of the "City of San Diego Water & Sewer Design Guide." Proposed facilities that do not meet the current standards shall be private or redesigned.
- b. The subdivider shall provide evidence, satisfactory to the Water and Metropolitan Wastewater Departments' Directors, 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.
- c. 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 paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Directors. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Director. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No trees, shrubs, or structures of any kind shall be installed in or over any access easement.

29. Park and Recreation Requirements:

A set-aside drainage easement shall be recorded on the final map from top of slope to top of slope in the drainage channel to allow Street Division access for channel bottom maintenance.


30. The drainage system proposed for this subdivision, is subject to approval by the City Engineer. All on site drainage systems shall be private. The subdivider shall provide a maintenance road, staging area and entry points to Chollas Creek, per the Drainage Design Manual, satisfactory to the City Engineer.

31. The subdivider 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.

32. 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 CITY.7 of SWRCB Order No. 92-08-DWQ.

33. Portions of the project are located in the floodplain of South Chollas Creek, as delineated on Panel 1903 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency management Agency (FEMA). In connection with approval of this subdivision:

 292171

- a. The use of Armorflex Cellular Concrete Mat or equal, satisfactory to the City Engineer, may be used for erosion control. The subdivider shall provide a reinforced concrete edging to be placed at the toe of the channel slope as a guide for heavy maintenance equipment and to protect the Amorflex or equal. The reinforced section shall be designed to the satisfaction of the Street Division and the City Engineer.
- b. The subdivider/property owner's association shall enter into a bonded maintenance agreement for the levee retaining wall.
- c. The subdivider shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- d. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
- e. The subdivider shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
- f. The subdivider shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one-foot.
- g. The subdivider shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- h. The subdivider shall provide safety fencing where required by the City Engineer.
- i. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
- j. The subdivider shall grant drainage easements, satisfactory to the City Engineer.
- k. No permits shall be issued for grading or other work in the floodplain of South Chollas Creek until the developer obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map

R- 292171

Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section, of the City of San Diego Public Works-Engineering and Capital Projects. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.

- i. When as-built grading and public improvement plans are available, the subdivider must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section, of the City of San Diego Public Works-Engineering and Capital Projects. The subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
- m. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego Public Works-Engineering and Capital Projects will notify the Planning and Development Review Department of such issuance as soon as it is informed by FEMA.
- n. Notes provided by the Floodplain Management Section, Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.

FOR INFORMATION:

- This subdivision may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- 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.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

R 292171