

(R-2001-901)

RESOLUTION NUMBER R-293928

ADOPTED ON OCTOBER 3, 2000

WHEREAS, FF Development, L.P., d.b.a. Fairfield Development, L.P., Applicant, on behalf of LNR Kearny Mesa, Inc., a California corporation, Owner of record, and May Group, Engineer, filed an application with the City of San Diego for a 3-lot tentative parcel map (Tentative Parcel Map No. 99-0509 for the San Diego Spectrum – Fairfield Residential Development), located north of Tech Way and west of Paramount Drive, and legally described as Parcel 4 of PM 18204, in the Kearny Mesa Community Plan area, in the CA (proposed R-1500 zone); and

WHEREAS, on August 17, 2000, the Planning Commission of The City of San Diego considered Tentative Parcel Map No. 99-0509, and voted to recommend City Council approval of the map; and

WHEREAS, after approval of the above referenced TPM by the City Council, LNR Kearny Mesa, Inc., a California corporation, Owner of record, transferred ownership of the property to Fairfield Spectrum L.P., a Delaware limited partnership, thereby making Fairfield Spectrum L.P. the new Owner/Permittee of the San Diego Spectrum – Fairfield Residential Development; and

WHEREAS, the matter was set for public hearing on October 3, 2000, 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 Parcel Map No. 99-0509:

1. The map proposes the subdivision of a 20.59-acre site into three lots for residential development (one with 448 multi-family units, one with open space, and one non-developed for residential lots for development). This type of development is consistent with the General Plan and the Kearny Mesa Community Plan which designate the area for 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 R-1500 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 Planned Residential Development [PRD] permit.

b. All lots meet the minimum dimension requirements of the R-1500 zone, as allowed under a PRD 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 PRD permit.

d. Development of the site is controlled by PRD Permit No. 99-0509.

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 residential 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 residential uses.

6. The City of San Diego as Lead Agency under CEQA has prepared an Addendum to an Environment Impact Report [EIR], LDR No. 99-0509, covering the proposed project. The previously certified EIR, LDR No. 96-1065, dated September 25, 1997, was prepared for the New Century Center Project.

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.

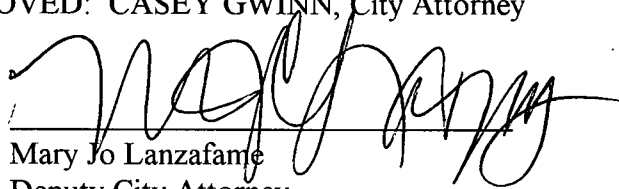
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Government Code section 66412.3, that the housing needs of the region are being met since residential development has been planned for the area and 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 Tentative Map No. 99-0509 is hereby granted to Fairfield Spectrum L.P., Owner/Permittee, and May Group, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:lc

03/07/01

Or.Dept:Clerk

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Reviewed by Farah Mahzari

CITY COUNCIL CONDITIONS TO TENTATIVE PARCEL MAP [TPM] NO. 99-0509,  
ADOPTED BY RESOLUTION NO. R-293928 ON OCTOBER 3, 2000

1. 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.
2. This tentative parcel map will expire three years from the date of City Council approval of the overview map VTM 99-1269 and associated street and slope easement vacations.

This tentative parcel map will become effective upon City Council approval of associated street and slope easement vacations for overview map VTM 99-1269.

3. The final map shall conform to the provisions of PRD/RZ Permit No. 99-0509.
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.
  - 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

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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 parcel 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. 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.
10. 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.
11. 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.
12. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
13. The subdivider is responsible for the dedication and improvements of the Spectrum Center Court within the limits of the TPM 99-0509 boundary: Along this project's frontage to Spectrum Center Court the required right-of-way width is 86 feet (comprised as follows: a 14 foot wide offsite dedication north of Parcel 4, Map 18204, plus 72 feet from northerly edge of Parcel 4, Map 18204) additionally a 16 foot-wide open space/landscape easement shall be granted south of the proposed right-of-way line. The setback limit for this project's frontage to Spectrum Center Court shall hereby be established as 31 feet.
14. The subdivider shall provide appropriate pavement and striping transition of Spectrum Center Court at the westerly and easterly ends transitioning pavement width from 78' to 40' satisfactory to the City Engineer.
15. The subdivider is responsible for the dedication and improvements of the Spectrum Center Court connection from its present dedicated limits on Map 13826 easterly to the intersection of Paramount Drive. Any portion of the proposed Spectrum Center Court right-of-way that has an irrevocable offer of dedication shall be accepted by the City Council.

16. All transportation-related improvement conditions must conform to the approved New Century Center Permit No. 96-0165 and as amended in the revised New Century Center Master Plan, Development Standards, and Design Manual dated June 29, 2000.
17. The subdivider is responsible for any remnant segment of proposed Spectrum Center Court connection on already final mapped lands (i.e. Map 13826), that needs to be dedicated and shall be an offsite requirement for full-width dedication and improvement.
18. The subdivider shall obtain a bonded 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 the grading section of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
19. The drainage system proposed for this subdivision, as shown on the approved tentative parcel map, is subject to approval by the City Engineer.
20. 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.

21. Sewer Requirements:
  - a. Prior to scheduling the project for any public hearing, the applicant shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve the proposed development and the drainage basin in which it lies. The study shall identify appropriate easements and vehicular access to all sewer manholes.

- b. Prior to the submittal of any public improvement drawings, including grading plans, the applicant shall provide an accepted sewer study for the proposed project.
- c. The applicant shall install all sewer facilities as required by the accepted sewer study necessary to serve the proposed development, including vehicular access within easements. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- d. The applicant shall grant adequate sewer and access easements, including vehicular access to each manhole for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Minimum easement widths for sewer mains with manholes is 20 feet. An additional 5 feet of easement width is required for each additional utility carried in the same easement. The easements shall be located within single lots. No structures or landscaping shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any access easement.
- e. The applicant agrees to design all proposed sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or redesigned.
- f. The applicant shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each dwelling unit will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

22. Water Requirements:

- a. The subdivider shall design and construct a public 12-inch water main in Kearny Spectrum Drive from Spectrum Center Court to Paramount Drive in a manner satisfactory to the Water Department Director.
- b. The subdivider shall design and construct a system of 10-inch water mains, on-site to serve all public fire hydrants, connecting to mains in Kearny Spectrum Drive,

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Paramount Drive, and Tech Way, in a manner satisfactory to the Water Department Director.

- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the City Engineer, and the Water Department Director. If more than two (2) fire hydrants are located on a dead-end main then the subdivider shall install adequate facilities to provide a redundant water supply.
  - d. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides. Proposed facilities that do not meet the current standards shall be private or redesigned.
  - e. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director. Water easements with vehicular access shall be a minimum of 26 feet wide and paved. The easements shall be located within single lots. No walls, fences, or enhanced paving shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any easement utilized for access.
  - f. If on-site water facilities are to be public and this development has gated access, then the subdivider shall provide keyed access to the Water Operations Division in a manner satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
  - g. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved TM 96-0165. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.
23. The subdivider shall construct two 20' directional driveways on Paramount Drive and two 20' directional driveways on Kearny Spectrum Boulevard.
24. The subdivider shall provide and maintain no fewer than 802 on-site parking spaces.

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### Landscaping

25. The subdivider shall not modify or alter the project unless appropriate application or amendment has been granted by the City.
26. The subdivider shall provide complete landscape and irrigation construction documents consistent with the *Landscape Technical Manual* (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 3, 2000, on file in the Office of Planning and Development Review.
27. The subdivider shall before issuance of any engineering permits for grading, interim landscape/ erosion control and permanent irrigation (if applicable) construction documents for slope revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the *Landscape Technical Manual* and to the satisfaction of the City Manager. All plans shall be in substantial conformance to PRD Permit No. 99-0509 (including environmental conditions) and Exhibit "A," dated October 3, 2000, on file in the Office of Planning and Development Review.
28. The subdivider shall install all required landscaping and obtain all required landscaping inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.
29. The subdivider shall maintain all required landscaping in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The subdivider, or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (private on-site and right-of-way landscaping) consistent with the standards of the *Landscape Technical Manual* unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
30. The subdivider shall repair and or replace in kind any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents plans which gets damaged or gets removed during demolition, within 30 days of final inspection or issuance of a Certificate of Occupancy. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

31. The subdivider shall, prior to the recordation of the (parcel/final map), submit interim landscape/ erosion control and permanent irrigation (if applicable) construction documents for slope revegetation and hydroseeding of all disturbed land in accordance with the *Landscape Technical Manual* and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit "A," dated October 3, 2000, Landscape Concept Plan, on file in the Office of Planning and Development Review. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
32. The subdivider shall, prior to the recordation of the (parcel/final map), submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit A, dated October 3, 2000, on file in the Office of Planning and Development Review. The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the (parcel/final map).

FOR INFORMATION:

- This development 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 development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.
- Any party on whom fees, dedications, reservations, or other excavations have been imposed as conditions of approval of this tentative map, may protest the imposition within ninety days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.