

RESOLUTION NUMBER R-294149

ADOPTED ON NOVEMBER 14, 2000

WHEREAS, Polygon Shelter, Inc., Applicant, and Leppert Engineering Corp., Engineer, submitted by an application to The City of San Diego for a vesting tentative map for property located northerly of La Jolla Village Drive, southerly of Nexus Center Drive and easterly of Judicial Drive, and legally described as a portion of Pueblo Lot 1307 according to Map No. 36, in the University Community Plan area, in the RS zone (previously referred to as the R1-5000 zone) (proposed IP-1-1 and CV-1-2 zones which were previously referred to as the SR and CV zones, respectively); and

WHEREAS, on October 19, 2000, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 99-0762, and pursuant to Resolution No. 3036-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on November 14, 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 Vesting Tentative Map No. 99-0762:

1. The map proposes the subdivision of a 16.89-acre site into six lots for commercial development. This type of development is consistent with the General Plan and the University Community Plan, which designate the area for residential (commercial) and industrial 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 IP-1-1 and CV-1-2 zones in that:
 - a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Commercial Development Permit [PCD].
 - b. All lots meet the minimum dimension requirements of the IP-1-1 and CV-1-2 zones, as allowed under a PCD.
 - c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a PCD.
 - d. Development of the site is controlled by PCD/RPO Permit No. 99-0762.
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 or 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 or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Environmental Impact Report No. 99-0762, 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, in as much 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 the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of

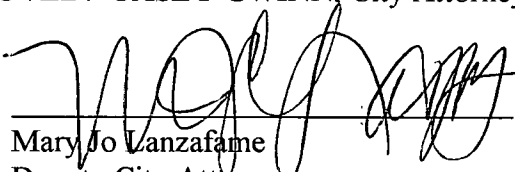
the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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. 99-0762 is hereby granted to Polygon Shelter, Inc., Applicant and Leppert Engineering Corp., 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:pev
1/31/01
Or.Dept:Clerk
R-294149
Form=tmr.frm
Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE MAP NO. 99-0762
ADOPTED BY RESOLUTION NO. R-294149 ON NOVEMBER 14, 2000

1. This vesting tentative map will be effective for three years after approval of the rezone and vesting tentative map by City Council.
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. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within 90 days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final map shall conform to the provisions of Planned Commercial Development [PCD] Permit No. 99-0762.
5. 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.

6. "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].
7. "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."
8. 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

R-294149

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.

9. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
10. The subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
11. Prior to recording any final map, the subdivider shall enter into a subdivision improvement agreement, for a term of one year, to assure dedication and construction of Judicial Drive, from Executive Drive to Nobel Drive, to the satisfaction of the City Engineer. It is the intent of this condition that the road shall be constructed in a manner that results in it being completed concurrent with need.
12. Prior to recording the final map, the subdivider shall enter into an agreement with the City of San Diego and the San Diego Housing Commission to provide six low income rental housing units at rates affordable at no more than sixty-five percent of the median area income, as adjusted for utilities and assumed household size, for a duration of fifty-five years. The units shall be located at a site within the University community determined to be acceptable to the City Manager and the Chief Executive Officer of the Housing Commission.
13. 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.
14. 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.

R- 294149

15. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code.
16. 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.
17. The drainage system proposed for this subdivision is subject to approval by the City Engineer.
18. Prior to the issuance of any permits, the applicant shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties including existing drainage facilities 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.
19. 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.

20. STREET CONDITIONS:
 - a. Judicial Drive adjacent to this subdivision is classified as a four lane urban major street. The alignment and grade for this road southerly from the subdivision to Nobel Drive has not been established. The applicant shall dedicate ninety-eight feet of right-of-way consistent with the final approved alignment and shall provide seventy-eight feet of curb to curb improvement with a fourteen feet median and

R- 294149

sixty-four feet of pavement and 5.5 feet sidewalk satisfactory to the City Engineer.

If the alignment of Judicial Drive is not established by the time the first final map for this project is ready, for recordation, then the applicant shall be responsible for establishment of a full alignment grade for Judicial Drive from Executive Drive to Nobel Drive. Should new alignment and grade require different grading than shown on the approved tentative map, the applicant shall regrade the project to conform with the approved alignment and grade for Judicial Drive.

- b. Nexus Center Drive is classified as a two-lane industrial local street with a design speed of twenty-five m.p.h. The applicant shall dedicate the remaining right-of-way to provide a sixty-four ft right-of-way and construct forty-four ft of pavement, curb, gutter and a five ft sidewalk within a ten ft curb to property line distance, satisfactory to the City Engineer.
- c. The applicant shall dedicate a sixty-five ft right-of-way (half width) at Nexus Center Drive for the cul-de-sac and construct fifty-five ft radius of pavement, curb, gutter, and a five ft sidewalk within a ten ft curb to property line distance, satisfactory to the City Engineer.
- d. Executive Drive is classified as a modified four-lane major street, east and west of the intersection with Judicial Drive and with appropriate transitions with a design speed of fifty-five m.p.h. The applicant shall dedicate the remaining right-of-way to provide 123 feet of right-of-way and shall provide 103 feet of curb to curb improvement with a thirty-nine feet median and sixty-four feet of pavement and a 5.5 feet sidewalk within a ten foot curb to property line distance, satisfactory to the City Engineer.

16. TRANSPORTATION REQUIREMENTS:

- a. The project shall conform to the North University Public Facilities Phasing Plan.
- b. The project shall conform to the La Jolla Commons City staff recommended Transportation Phasing Plan Alternative/Option 1, satisfactory to the City Engineer.
- c. The applicant shall assure the construction of a traffic signal at the intersection of Executive Drive and Judicial Drive, satisfactory to the City Engineer.
- d. The applicant shall assure the construction of four westbound lanes and a bike-lane for La Jolla Village Drive from Judicial Drive to I-805 interchange. The applicant

R- 294149

shall dedicate an additional a minimum of ten foot of right-of-way and shall provide ten foot of pavement, curb, gutter, and a five foot wide sidewalk within a ten foot curb to property line distance, satisfactory to the City Engineer.

- e. The applicant shall maintain the proposed southbound to eastbound left-turn in only median break on Judicial Drive between La Jolla Village Drive and Executive Drive, and provide a minimum of 100 foot left turn pocket plus ninety feet of transition, satisfactory to the City Engineer.
- f. The applicant shall provide standard left-turn pockets of 200 feet to 250 feet in length plus ninety feet of transition, satisfactory to the City Engineer.

21. WATER AND WASTEWATER REQUIREMENTS:

WATER REQUIREMENTS:

- a. Prior to the approval of any public improvement drawings including grading plans, the subdivider shall provide an acceptable relocation study, for the relocation of the existing thirty-six-inch high pressure reclaimed water pipeline (currently located fifty-six-feet below the finished floor elevation under the footprint of the proposed hotel) satisfactory to the Water Department Director. The study shall include loading calculations as well as providing reasonable, legal, and practical access to all pipeline appurtenances. Development, as shown on the approved tentative map and site plan, may require major revisions to eliminate impacts of the development on existing public water facilities traversing the site and to minimize City liability.
- b. Prior to the approval of any public improvement drawings including grading plans, the subdivider shall provide an acceptable pipe failure analysis to provide an assessment of damage due to the failure of the thirty-six-inch high pressure reclaimed water pipeline traversing the project site. The study shall identify appropriate mitigation, in the event of a failure, to protect the public health and safety, to eliminate development impacts to the existing facilities, and to minimize City liability, in a manner satisfactory to the Water Department Director, the City Geologist, and the City Engineer.
- c. Prior to the approval of any public improvement drawings including grading plans, the subdivider shall process an easement exchange to vacate the existing water easement over the existing 36-inch high pressure reclaimed water pipeline and grant a new easement over the relocated pipeline in a manner satisfactory to the

R. 294149

Water Department Director. Easement width shall be fifty-feet-wide or as determined appropriate at final engineering.

- d. The subdivider shall provide a minimum twenty-four-foot-wide paved vehicular access, located within an easement, to all public water facility appurtenances located on-site, including the westerly tunnel portal, in a manner satisfactory to the Water Department Director.
- e. The subdivider shall design and construct all necessary mitigation measures to protect the public health and safety and provide access to public water facilities in a manner satisfactory to the Water Department Director. Improvements may include, but not be limited to, pipeline relocation, tunnel extension, tunnel portal extension, etc. requiring special design. Development, as shown on the approved tentative map and site plan, may require revisions to minimize impacts by the development to existing public water facilities traversing the site.
- f. The subdivider shall design and construct a looping system of twelve-inch water facilities on-site, with a minimum of two points of connection to provide redundancy, in a manner satisfactory to the Water Department Director.
- g. The subdivider shall design and construct twelve-inch water facilities within the Executive Drive right-of-way from Judicial Drive to the easterly cul-de-sac in a manner satisfactory to the Water Department Director. Water facilities, as shown on the tentative map, may require modification.
- h. The subdivider shall design and construct twelve-inch water facilities within the Judicial Drive right-of-way from Executive Drive, extending south to La Jolla Village Drive, in a manner satisfactory to the Water Department Director.
- i. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty equivalent dwelling units are located on a dead-end main, then the subdivider shall install a redundant water system.
- j. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way with minimum pavement width of twenty-four-feet, satisfactory to the Water Department Director. Easements shall be located within single lots. No structures or landscaping of any kind shall be installed in or over any easement utilized for vehicular access. Easements, as shown on the approved tentative map, may

require modification based on City regulations, standards and practices pertaining thereto.

- k. The subdivider shall provide evidence, satisfactory to the Water Department Director, indicating that each lot/unit will have its own water service or provide CC&Rs for the operation and maintenance of on-site private water facilities that serve more than one lot/unit.
- l. The subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards shall be private or redesigned.
- m. If any part of this development has gated access, then the subdivider shall provide Water Operations Division with keyed access 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.

WASTEWATER REQUIREMENTS:

- a. Prior to the submittal of any public improvement drawings, including grading plans, the Subdivider shall submit 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 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 the proposed development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- c. The Subdivider shall design all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or redesigned.
- d. Prior to the submittal of improvement plans, including grading plans, the Subdivider shall provide structural calculations, including a pipe failure analysis signed by the projects structural engineer, that the proposed hotel structure can withstand a pipeline failure of the Rose Canyon Trunk Sewer and to demonstrate

- that loading from the hotel and other improvements will not impact the existing sewer facilities, satisfactory to the Metropolitan Wastewater Department Director.
- e. The Subdivider shall provide a contingency plan identifying procedures to be taken in the event that a break in the Rose Canyon Trunk Sewer occurs, satisfactory to the Metropolitan Wastewater Department Director.
 - f. The Subdivider shall provide an indemnification agreement that indemnifies the City against any damages or claims that may arise due to the placement of the proposed structures over the existing sewer facilities including the diversion structure, eight-four inch gravity sewer main, fifty-four inch effluent main, thirty-six inch waste line and 36 inch reclaimed water main, satisfactory the Metropolitan Wastewater Department Director.
 - g. Prior the approval of improvement drawings, including grading plans, the Subdivider shall submit plans for a Special Facilities plan check, per the City's sewer design guide, to address access issues associated with the existing Rose Canyon Trunk Sewer appurtenances and the proposed hotel structure.
 - h. The Subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each sewer appurtenance, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director.
 - i. The Subdivider shall provide adequate sewer access to the sewer appurtenances of the Rose Canyon Trunk Sewer consistent with the existing easement requirements.
 - j. No improvements or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement, excluding all structures as identified by the approved Exhibit "A."
 - k. For public on-site sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
 - l. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

- m. The Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
- n. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego sewer design guide.
- o. Prior to the submittal of any public improvement drawings including grading plans, the Subdivider shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of private sewer facilities, including sewer laterals to the property line, that serve more than one lot.
- p. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and the Subdivider shall obtain a plumbing permit for this work. In addition, the Subdivider shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

22. ENVIRONMENTAL MITIGATION:

The Applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Environmental Impact Report, LDR No. 99-0762, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or the recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources,
Hydrology/Water Quality,
Paleontological Resources.

- 23. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Planning & Development Review Department for each final map processed in connection with this vesting tentative map.

R- 294149

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. This property is also subject to a building permit park fee applicable in the University Community Plan area in accordance with San Diego Municipal Code.
- 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.

R 294149