

RESOLUTION NUMBER R-294397

ADOPTED ON DECEMBER 12, 2000

WHEREAS, Aspen Creek, LLC, Applicant, and Crosby, Mead, Benton & Associates, Engineer, submitted by an application to the City of San Diego for a thirteen-lot vesting tentative map (Vesting Tentative Map No. 98-0978 for the Carroll Canyon Business Park project), located northerly of Camino Ruiz and Miralani Drive, and legally described as the North Half, Southeast Quarter and Northeast Quarter, Southwest Quarter, Section 1, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the Mira Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] zones) (proposed IL-2-1 zone (previously referred to as the M-1B and HRO zones)); and

WHEREAS, on September 28, 2000, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 98-0978, and pursuant to Resolution No. 3018-2-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on December 12, 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. 98-0978:

1. The map proposes the subdivision of a 57.8-acre site into thirteen lots for industrial development. This type of development is consistent with the General Plan and the Mira Mesa Community Plan which designate the area for 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 and development regulations of the proposed IL-2-1 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 Industrial Development [PID] permit.

b. All lots meet the minimum dimension requirements of the IL-2-1 zone, as allowed under a PID 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 PID permit.

d. Development of the site is controlled by Planned Industrial Development/Resource Protection Ordinance Permit No. 98-0978.

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 industrial 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 industrial uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of Environmental Impact Report [EIR], No. LDR No. 98-0978, which is included herein by this reference. However, a finding has been made pursuant to Public Resources Code section 21081(c) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

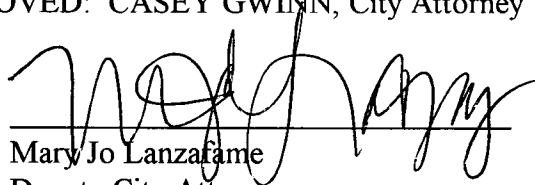
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 98-0978 is hereby granted to Aspen Creek, LLC, Applicant, and Crosby, Mead, Benton & Associates, 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  
04/26/01  
Or.Dept:Clerk  
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Reviewed by Robert Korch

CITY COUNCIL CONDITIONS TO VESTING TENTATIVE [VTM] MAP NO. 98-0978  
CARROLL CANYON BUSINESS PARK  
ADOPTED BY RESOLUTION NO. R-294397 ON DECEMBER 12, 2000

1. This tentative map will become effective on the effective date of the associated rezone and expire three years thereafter. Should the rezone be denied, 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. 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 development permit 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 Industrial Development/ Resource Protection Ordinance Permit No. 98-0978.
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 California Public Resources Code sections 8801 through 8819. 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.

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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.
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 U.S.C. § 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 California Government Code section 66456.1, 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. The subdivider is permitted to file up to two final maps. The subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each unit.
12. 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 [SDMC] section 62.0415 *et seq.*
13. Undergrounding of existing and proposed public utility systems and service facilities is required according to SDMC section 102.0404(2).
14. 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.
15. 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

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mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

16. Camino Ruiz is located along property frontage and is classified as a 6-lane major street. The subdivider shall dedicate right-of-way and improve Camino Ruiz with 112 feet of pavement within 132 feet of right-of-way from Miralani Drive to north of Carroll Canyon Road, including curb, gutter and sidewalk, satisfactory to the City Engineer. Additional right-of-way will be required for additional turn lanes.
17. Carroll Canyon Road along property frontage is classified as a 6-lane primary arterial. The subdivider shall dedicate 132 feet of right-of-way and provide 102 feet of pavement, a 14 foot-wide raised median, curb, gutter, sidewalk and a 15 foot parkway width along property frontage on the north side of Carroll Canyon Road and along the south side frontage of Lot 2. A 10 foot parkway width shall be provided along the south side of Carroll Canyon Road from the project's westerly boundary to Lot 2. The street cross-section shall be widened to 112 feet of paving in a 142-foot right-of-way at the intersection with Camino Ruiz to accommodate dual left-turn lanes.

On an interim basis, the applicant may improve Carroll Canyon Road along the property frontage with 44 feet of pavement to accommodate two through lanes within an appropriate right-of-way to include sidewalk on the north side of Carroll Canyon Road and curb and gutter on both sides of Carroll Canyon Road. The subdivider shall provide additional pavement to accommodate the acceleration/deceleration lanes.

Should the subdivider improve Carroll Canyon Road on an interim basis, the subdivider shall enter into a bonded deferred improvement agreement for the construction of the remaining full width improvements for Carroll Canyon Road when required by the City Engineer.

18. The subdivider shall construct a temporary cul-de-sac at the project's westerly end of Carroll Canyon Road with a minimum radius of 55 feet of pavement within 65 feet of right-of-way, including curb, gutter, and sidewalk, satisfactory to the City Engineer.
19. Streets "A" and "B" are classified as two-lane industrial collector streets. The subdivider shall dedicate an 80 foot right-of-way and provide 50 feet of pavement, curb, gutter, and a 5 foot-wide sidewalk within a 15 foot curb-to-property-line distance satisfactory to the City Engineer.
20. The subdivider shall construct a traffic signal at the intersection of Camino Ruiz/Carroll Canyon Road, satisfactory to the City Engineer.

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21. The subdivider shall enter into a deferred bonded agreement for the future construction of a traffic signal at Carroll Canyon Road and Street "B" intersection. The signal shall be constructed when warrants are met.
22. The applicant shall construct, as part of the development for Unit #1, the fourth leg (northeast leg) at the intersection of Camino Ruiz/Miralani Drive with appropriate traffic signal modification, roadway configuration, and striping satisfactory to the City Engineer.
23. The applicant shall provide the acceleration/deceleration lanes at unsignalized entrances along Carroll Canyon Road as shown on the site plan, satisfactory to the City Engineer.

24. **WATER REQUIREMENTS:**

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Director of the Water Department. The study shall plan the pressure zone(s) and water facilities necessary to serve this development. Facilities identified in the study shall include a 16-inch water main in Camino Ruiz from Jade Coast Drive to Miralani Drive and a pressure regulating station between the 712 and 625 hydraulic grade lines [HGL] at Miralani Drive. Parallel water mains shall have a minimum separation of 20 feet. This development shall be served from the 625 HGL pressure zone.
- b. 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 studies.
- c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants are located on a dead-end main then the subdivider shall install a redundant water system.
- 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.
- e. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, etc.), for all public water facilities that are not located within public rights-of-way, satisfactory to the Director of the Water Department. Minimum easement widths for water mains with services or fire hydrants is 24 feet fully paved. 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. No trees, shrubs, or structures of any kind shall be installed in or over any easement utilized for access.

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- f. The subdivider shall provide evidence, satisfactory to the Director of the Water Department, indicating that each lot will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve more than one lot.

25. **SEWER REQUIREMENTS:**

- a. Prior to the submittal of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Director of the Metropolitan Wastewater Department, 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 this development and the drainage basin in which it lies. The study shall include manhole to manhole calculations, depth of cover, easements, and vehicular access to each manhole. Also, the study shall include loading calculations for any proposed grading over the existing Carroll Canyon Trunk Sewer.
- 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.
- c. The subdivider shall relocate the existing Carroll Canyon Trunk Sewer out of Lot 2 and into Camino Ruiz and Carroll Canyon Road in a manner satisfactory to the Director of the Metropolitan Wastewater Department, or grant a building restricted easement over the existing sewer easement.
- d. The subdivider agrees to assume full responsibility for any damage caused to or by the Carroll Canyon Trunk Sewer as a result of the construction activities, including grading, associated with this development.
- e. The subdivider agrees to design all public sewer facilities 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.
- f. The subdivider shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. 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 width for sewer mains with manholes is

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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. No trees, shrubs, or structures of any kind shall be installed in or over any access easement.


- g. The subdivider shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer mains that serve more than one lot.
26. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Environmental Impact Report, LDR No. 98-0978, satisfactory to the City Manager and the City Engineer. Prior to recordation of the first final map, all mitigation measures as specifically outlined in the MMRP shall be implemented and/or assured for the following issue areas:
- Land Use  
Landform Alteration/Visual Quality  
Hydrology/Water Quality  
Paleontological Resources
27. The applicant shall grant an irrevocable offer of dedication [IOD] for a 35-foot-wide easement for the construction, operation, and maintenance of light rail transit [LRT] and a 10-foot-wide temporary construction easement on the south side of Carroll Canyon Road for street and LRT purposes. In addition, the applicant and Metropolitan Transit Development Board [MTDB] will enter into an agreement to secure payment from the applicant to compensate MTDB for the increased cost of the south side alignment as compared to a north side alignment and dedication within the Carroll Canyon Road right-of-way.
28. The subdivider shall obtain an engineering permit from the City Engineer for the grading proposed with this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.
29. The drainage system proposed for this development, is subject to approval by the City Engineer. Any drainage system not located in a public street shall be private.
30. The developer 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.

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31. 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.

32. Portions of the project are located in the floodplain of Carroll Canyon Creek, as delineated on Panel 1344 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:
- a. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
  - b. 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.
  - c. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
  - d. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
  - e. The developer 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.
  - f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 feet per second.

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- g. The developer shall provide safety fencing where required by the City Engineer.
  - h. 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.
  - i. The developer shall grant drainage easements, satisfactory to the City Engineer.
  - j. No permits shall be issued for grading or other work in the floodplain of Carroll Canyon Creek until the developer obtains a Conditional Letter of Map Amendment [Conditional LOMA] or Conditional Letter of Map 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's Public Works/Engineering and Capital Projects Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
  - k. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
  - l. 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's Public Works/Engineering and Capital Projects will notify the Development Services Department of such issuance as soon as it is informed by FEMA.
  - m. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.
33. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within forty-five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

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34. The subdivider shall submit complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required street tree improvements and the erosion control for new slope areas. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated December 12, 2000, and on file in the Development Services Department.
35. The subdivider shall submit for review a Bonded Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area. The approved Landscape Maintenance Agreement shall be recorded prior to or concurrent with the recordation of the first final map.
36. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classifications of Low, Moderate and High. The subdivider shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated December 12, 2000, and on file in the Development Services Department:

The Brush Management Zone Depths shall be as follows:

<u>Lot No.</u>	<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
Lots 3,4,5,8,9,11	Low	35'	0'	0'
Lot 2	High	40'	40'	30'
Lot 1	Moderate	35'	30'	20'
Lot 1 Northeast corner		45'	0'	20'

37. The subdivider shall submit to the City for review a Grant Deed-Fire Hazard Reduction Zone Easement for the 100-foot-wide brush management zone located along the southern boundary of Lot 13. The approved Grant Deed-Fire Hazard Reduction Zone Easement for purposes of brush management maintenance shall be recorded prior to recordation of the final map.
38. The subdivider shall identify on a "Non-Title Sheet" the brush management zones as "Fire Hazard Reduction Zones" with no specific dimensions called out for the brush management zones.

**OPEN SPACE CONDITIONS:**

39. After reduction of Lot 13 to exclude the MTDB easement, Lot 13 and Lot 12 shall be granted as open space easements.

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- 40 The subdivider shall grant an open space easement for the undisturbed southern portion of Lot 2.
41. 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 Director of the Development Services Department. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment [FBA] or by such other means as may have been established by the City Council.

**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 SDMC section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with SDMC section 96.0401 et seq.
- 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.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.