

RESOLUTION NUMBER R- 300980

ADOPTED ON OCTOBER 25, 2005

WHEREAS, Fairfield Kearny Mesa, L.P., Applicant/Subdivider, and Lattitude 33, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 187564) for the Parkview Aero Court project [Project], for creation of a mixed use project with 288 residential units and approximately 20,000 square feet of commercial space. The site is located south of Aero Drive between Kearny Villa Road and Aero Court at 3540 Aero Court in the CO-1-2 zone, of the Kearny Mesa Community Plan area, and legally described as those portions of Lots J and K of Research Park, Map No. 3568 lying Easterly of the Northeasterly line of Kearny Villa Road being the Northeasterly line of land described in deed to the City of San Diego recorded December 29, 1961 as File No. 223919; and

WHEREAS, on September 15, 2005, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 187564, and pursuant to Resolution 3843-PC voted to recommend City Council approval of the map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code [SDMC] section 144.0220; and

WHEREAS, the matter was set for public hearing on October 25, 2005, 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 it adopts the following findings with respect to Vesting Tentative Map No. 187564:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b).

2. The proposed subdivision complies with the applicable zoning and development regulations of the SDMC/LDC (SDMC/LDC section 125.0440(b)).

3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision and the proposed improvements are likely not to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat (SDMC/LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).

5. The design of the subdivision and the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC/LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision (SDMC/LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

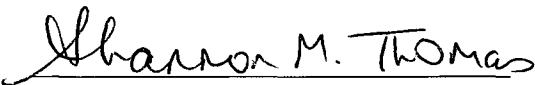
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (SDMC/LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 187564 is granted to Fairfield Kearny Mesa L.P, Applicant and Subdivider, and Latitude 33, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

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Or.Dept:DSD  
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CONDITIONS FOR VESTING TENTATIVE MAP NO. 187564

PARKVIEW AERO COURT – PROJECT 44985

ADOPTED BY RESOLUTION NO. R- 300980 ON OCTOBER 25, 2005

**GENERAL**

1. This Vesting Tentative Map will expire on October 25, 2008.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Site Development Permit No 127010 and Planned Development Permit No. 131774.
5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

**AFFORDABLE HOUSING**

6. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13) of the Land Development Code.

**ENGINEERING**

7. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The subdivider shall replace the damaged pavement and construct curb, gutter and sidewalk adjacent to the site, on Aero Ct.
9. The subdivider shall construct a sidewalk and re-construct the tops of the two curb inlets to current City standards, adjacent to the site on Kearny Villa Rd.
10. The subdivider shall construct one 41'-0" wide driveway (with curb returns) on Kearny Villa Rd. and two 30'-0" wide driveways on Aero Ct. All driveways shall be perpendicular to the curb.
11. The subdivider shall construct curb ramps at all four corners of the signalized intersection on Kearny Villa Rd.

12. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance.
13. The Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
14. Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
15. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is private and subject to approval by the City Engineer.
16. This project proposes to export 140,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material (all such activities require a separate Conditional Use Permit).
17. The subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
18. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), 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 implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRC.
19. 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. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
20. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. 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.

## **MAPPING**

21. "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].
22. "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."
23. 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.
  - 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.
24. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

## **SEWER AND WATER**

25. The Subdivider shall design and construct new 12-inch water facility to replace the existing 8-inch water facility in Aero Court from Aero Place to the terminus of the cul-de-sac of Aero Court, in a manner satisfactory to the Water Department Director and the City Engineer.
26. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling or commercial unit or common area.
27. 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, shall be modified at final engineering to comply with standards.
28. All on-site sewer facilities that serve only this lot will be private.

29. The developer shall grant adequate sewer, and/or access easements, including access to each manhole, for all public sewer facilities that are not located within 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.

30. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

31. No approved structures or landscaping, including walls and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

32. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

33. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

34. Prior to recordation of the Final Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

## **GEOLOGY**

35. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

## **TRANSPORTATION**

36. Prior to recordation of the first final map, the subdivider shall provide a 3-foot Dedication on Kearny Villa Road along the project's frontage.

37. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

## **INFORMATION:**

- The approval of this Vesting Tentative Map by the City Council of 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.).
- Prior to the issuance of building permits and in lieu of the park fee portion of the Kearny Mesa Development Impact Fee, a \$4, 400,000.00 payment at the time of building permit issuance is to be used in Serra Mesa for parks, including a Joint Use Facility at Wegeforth Elementary School and a dog off-leash area at Cabrillo Heights Neighborhood Park.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- Subsequent applications related to 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 exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.