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(R-2006-604)
(COR.COPY.2)

RESOLUTION NUMBER R- 301159

DATE OF FINAL PASSAGE JANUARY 17, 2006

WHEREAS, NCR Corporation, a Maryland Corporation, Applicant/Subdivider, and Burkett & Wong, Engineers and Surveyors, submitted an application to the City of San Diego for a tentative map for the subdivision of a 38 42-acre site into five parcels for industrial development and two public utility easement vacations for Vista at Rancho Bernardo [Project], located at 17087 – 17097 Via Del Campo in the IP-2-1 zone, and legally described as Parcel 2 of Final Map No 13441, filed August 24, 1984, as file No. 84-324480 of official records within the Rancho Bernardo Community Plan; and

WHEREAS, the Tentative Map proposes the subdivision of a 38 42 -acre site into five lots for commercial industrial development and two public utility easement vacations Lot 1 will remain with existing development, lots 2, 3, 4 and 5 will be developed, and

WHEREAS, the subdivider will continue to be required to underground any new service run to the proposed structures within the subdivision, and

WHEREAS, the design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of San Diego Municipal Code [SDMC] section 102 0404 and Council Policy No. 600-25, Underground Conversion of Utility Lines at Subdividers Expense; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and SDMC section 144 0220; and

WHEREAS, California Streets and Highways Code section 8333 allows for the summary vacation of public service easements where (a) the easement has not been used for the purpose for which it was dedicated or acquired for more than five consecutive years immediately following the proposed vacation, (b) the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date, or (c) the easement has been superseded by relocation and there are no other public facilities located within the easement, and

WHEREAS, the public service easement located within the project boundaries as shown in Tentative Map No. 8529, in particular a public utility easement granted per documents 1992-0808775 and 1992-0808776, Official Records, filed December 17, 2002, has been superseded by maintaining utilities as private and there are no other public facilities located within the easement, and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on January 17, 2006, the Council of the City of San Diego, considered Tentative Map No. 8529 and pursuant to SDMC section 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard 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 Tentative Map No. 8529:

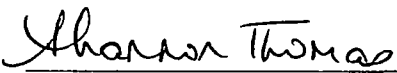
1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code /Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action sections 66473 5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (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 or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable 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 or 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 or 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).

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of utility easement located within the project boundaries as shown in Tentative Map No. 8529, shall be vacated contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that Tentative Map No 8529 is hereby granted to NRC Corporation, a Maryland Corporation, Applicant/Subdivider, subject to the attached conditions which are made a part of this resolution by reference.

APPROVED MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M Thomas
Deputy City Attorney

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CONDITIONS FOR TENTATIVE MAP NO 8529

EASEMENT VACATION NO. 260321

VISTA AT RANCHO BERNARDO – PROJECT 4873

ADOPTED BY RESOLUTION NO. R-301159 ON JAN 17 2006

GENERAL

- 1 This Tentative Map will expire JAN 17 2009, 2009
- 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 Tentative Map expiration date
4. The Final Map shall conform to the provisions of Planned Development Permit No 8528, and Site Development Permit No 260305
- 5 The Subdivider shall underground any new service run to any new or proposed structures within the subdivision

ENGINEERING

- 6 The subdivider shall obtain a bonded 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
- 7 The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to approval by the City Engineer.
- 8 Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. Prior to the issuance of any construction permit, 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
10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, in accordance with the approved Water Quality Technical Report.

11. This project proposes to export 8,510 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.
12. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's account number and drawing number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
13. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
14. 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.

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.
15. Prior to the issuance of any construction permit the Subdivider shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a NOI filed with the State Water Resources Control Board.
16. 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

17. "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)
18. "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 "
19. 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 meridian (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
20. 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.

PLANNING

21. Prior to the recordation of the first final map, the Subdivider shall record a pedestrian non-motor vehicular easement to establish and maintain public access between interior parcels and the public right-of-way

SEWER

22. Prior to recording any final map, the subdivider 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.
23. The Subdivider shall install all sewer facilities 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.
24. The Subdivider shall design and construct 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 re-designed.
25. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.
26. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement or public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
27. 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.
28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

WATER

29. The subdivider shall assure, by permit and bond, the design and construction of an on-site 12-inch diameter looped public water facilities, in a manner satisfactory to the Water Department Director and the City Engineer.
30. The subdivider shall design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
31. The subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service.

(domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department

32. The subdivider shall design and construct all proposed public water facilities, including services, meters, and easements, 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. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or modified at final engineering to comply with standards.

GEOLOGY

33. 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 "

INFORMATION:

- The approval of this Tentative Map by the 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)
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering
- 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
- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Rancho Bernardo Community Plan area.

- Subsequent applications related to this 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 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