

RESOLUTION NUMBER R-276578

ADOPTED ON SEPTEMBER 18, 1990

WHEREAS, Section 101.0462 of The San Diego Municipal Code entitled Resource Protection Ordinance ("RPO") provides at subsection 101.0462.E.5 that "The Resource Protection Ordinance shall not be applicable to any area with the Miramar Ranch North Community Plan . . . ."; and,

WHEREAS, Ordinance No. O-90-145 adopted by the Council of the City of San Diego on February 13, 1990, and entitled, "AN EMERGENCY INTERIM ZONING ORDINANCE APPLYING THE RESOURCE PROTECTION ORDINANCE, MUNICIPAL CODE SECTION 101.0462, TO SPECIFIED AREAS OF THE SCRIPPS MIRAMAR RANCH AND MIRAMAR RANCH NORTH COMMUNITY PLANS FOR A PERIOD OF ONE YEAR" ("Interim Ordinance") purported to repeal subsection 101.0462.E.5 of RPO and therefore make RPO applicable to the Miramar Ranch North Community Plan; and,

WHEREAS, McMillin-BCED/Miramar Ranch North, a partnership ("McMillin-BCED"), is the owner of approximately 1200 acres of real property located in the Miramar Ranch North Community Planning Area of San Diego, California ("Property"); and,

WHEREAS, disputes have arisen between McMillin-BCED and the City with regard to various actions taken or considered by the City of San Diego, including the adoption of the Interim Ordinance; and

WHEREAS, it is the intent of the parties to resolve amicably these legal disputes by entering into an agreement;

NOW, THEREFORE,

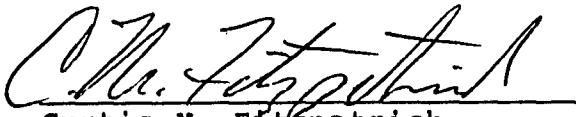
BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a settlement agreement with MCMILLAN-BCED/MIRAMAR RANCH NORTH, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR-276578.

BE IT FURTHER RESOLVED, that a deviation, as provided in section 101.0462.N of the San Diego Municipal Code, from the provisions of RPO is hereby granted for development of the Property as defined in the agreement, in accordance with the provisions of the agreement, which provisions include the conversion of the Lago Dorado Industrial Park to a 300 unit multi-family attached residential project, the relocation of Scripps Ranch Boulevard, the reduction in the number of residential units in Phase III by 498 units, an increase in open space in Phase III by approximately 60 acres, and other siting, design, and construction benefits which taken in whole will satisfy each of the Finding Requirements of Section 101.0462.0 and minimize adverse impacts upon sensitive natural resources and environmentally sensitive areas, be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources, will minimize the alterations of natural landforms, will be visually compatible with the character of surrounding areas, and will conform with The City of San Diego's Progress

Guide and General Plan and the Miramar Ranch Community Plan.

BE IT FURTHER RESOLVED, that because this Council has herein granted a deviation from the requirements of RPO for the Miramar Ranch North Community Plan Area, RPO shall not be used or required as the basis for any analysis or evaluation (including in any document prepared under the California Environmental Quality Act) of any application for development of the Property substantially in conformance with the provisions of the agreement.

APPROVED: JOHN W. WITT, City Attorney

By   
Curtis M. Fitzpatrick  
Assistant City Attorney

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08/03/90  
09/25/90 REV.1  
Or.Dept:Mgr.  
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SEP 18 1990

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Blenda L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

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