

(R-91-1180)

RESOLUTION NUMBER R-277106

ADOPTED ON JANUARY 8, 1991

WHEREAS, on December 20, 1990, the Planning Commission recommended approval with conditions of Vesting Tentative Map No. 89-0550 submitted by McMillin-BCED Development for a 576-lot (481 single-family lots, 3 multi-family lots, 86 open space and non-buildable lots, and six park, school, fire station and church lots) vesting tentative map located north of Miramar Lake, south of Poway Road and east of Interstate 15, and described as Parcel 2 and a portion of Parcel 1 of Parcel Map No. 14987, and a portion of the northwest quarter of the northwest quarter of Section 27, Township 14 South, Range 2 West, San Bernardino Meridian, in the Miramar Ranch North Community Plan area, in the A1-10, R-1500, R1-3000, R1-5000, R1-6000 and Hillside Review Overlay zones; and

WHEREAS, the matter was set for public hearing on January 8, 1991 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. 89-0550:

1. The map proposes the subdivision of a 321.3-acre site into 576 lots (481 single-family lots, 3 multi-family lots, 86 open space and non-buildable lots, and six park, school, fire

station and church lots) for residential development. This type of development is consistent with the General Plan and the Miramar Ranch North Community Plan which designate the area for residential, school, park, church and fire station 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 A1-10, R1-6000, R1-5000, R1-3000, R-1500 and Hillside Review Overlay zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, except as allowed under a planned residential development (PRD) permit.

b. All lots meet the minimum dimension requirements of the A1-10, R1-6000, R1-5000, R1-3000, R-1500 and Hillside Review Overlay zones, except as allowed under a PRD.

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, except as allowed under a PRD.

d. Development of the site is controlled by Planned Residential Development Permit No. 89-0550.

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 nature heating and/or cooling opportunities.

4. The site is physically suitable for residential 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 residential uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat based upon the findings in Environmental Impact Report No. 89-0550, which is included herein by this reference. However, a finding has been made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

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.


9. The City Council has reviewed the adopted Housing Element, the Progress Guide and 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 decision of the Planning Commission is sustained and Vesting Tentative Map No. 89-0550 for Scripps Ranch North Phase 2 is hereby granted to McMillin/BCED Development, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

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04/11/91
Or.Dept:Clerk
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CITY COUNCIL CONDITIONS
FOR VESTING TENTATIVE MAP NO. 89-0550

1. This tentative map will become effective with City Council approval and will expire on January 8, 1994.
2. 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. 769635.

3. "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).
4. "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."
5. 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 better, as published in the County of San Diego's Horizontal Control book. 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.

R-277196

6. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
7. The subdivider must provide a geological report on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
8. Cypress Canyon Road is classified as a four-lane collector street within a 92-foot-wide right-of-way between Scripps North Parkway and Street "X." The subdivider shall dedicate 112 feet of right-of-way (the additional 20 feet on the southwest side is for landscaping area) and provide 72 feet of pavement, curb, gutter, a five-foot-wide sidewalk within a ten-foot curb-to-property-line distance on the northeast side, and a five-foot-wide noncontiguous sidewalk within a 30-foot curb-to-property-line distance on the southwest side, for landscaping, between Scripps North Parkway and Street "X," satisfactory to the City Engineer.
9. Cypress Canyon Road is classified as two-lane collector street within a 60-foot-wide right-of-way between Street "X" and Street "AA." The subdivider shall dedicate 112 feet of right-of-way (the additional 20 feet on the southwest side is for landscaping area) at Street "X" transitioning to a 80-foot right-of-way and provide 72 feet of pavement at Street "X" transitioning to 40 feet of pavement, curb, gutter, a five-foot-wide sidewalk within a ten-foot curb-to-property-line distance on the northeast side, and a five-foot-wide noncontiguous sidewalk within a 30-foot curb-to-property-line distance on the southwest side, for landscaping, satisfactory to the City Engineer.
10. Streets "B," "O," "X," and "AA" are classified as two-lane residential collector streets within a 60-foot-wide right-of-way. Street "V" is classified as a two-lane residential street within a 60-foot-wide right-of-way. The subdivider shall dedicate 60 feet of right-of-way and provide 40 feet of pavement, curb, gutter, and a four-foot wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
11. Street "EE," a portion of Street "G" south of Street "H," and a portion of Street "Q" north of Street "BB" are classified as two-lane residential streets within a 52-foot-wide right-of-way. The subdivider shall dedicate 52 feet of right-of-way and provide 32 feet of pavement, curb, gutter,

R-277106

and a four-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

12. Cul-de-sacs "A," "C," "D," "E," "F," "H," "I," "J," "K," "L," "M," "N," "P," "R," "S," "U," "W," "Y," "Z," "BB," "CC," "DD," a portion of "G" north of "H," and a portion of "Q" north of "BB" are classified as residential cul-de-sacs within a 50-foot-wide right-of-way and a 45-foot right-of-way radius. The subdivider shall dedicate a 50 right-of-way and a 45-foot right-of-way radius for cul-de-sacs and provide 30 feet of pavement with a 35-foot curb radius for the cul-de-sac, curb, gutter, a four-foot-wide sidewalk on both sides of all streets, within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
13. The subdivider shall provide adequate sight distance at the intersections of Street "R" & Street "O" and Street "B" & Scripps Creek Drive.
14. 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 vesting tentative map the subdivider is including in each final map and may impose reasonable conditions consistent with the Public Facilities Financing Plan and the McMillin-BCED development agreement that are conditions of this vesting tentative map, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
15. 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.
16. This tentative map is a vesting tentative map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development Department for each final map processed in connection with this vesting tentative map.
17. The design of this subdivision shall conform to the conditions in the approved drainage study for TM 87-1088 (Phase I), "Hydrologic and Hydraulic Analysis for Scripps Ranch North," dated April 13, 1990. Any deviations from these conditions shall require an additional drainage study, satisfactory to the City Engineer.

R-277106

18. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is subject to approval by the City Engineer.
19. Providing water, sewer, and streets for this subdivision is dependent upon the prior construction of certain water mains, sewer mains, and streets in previously approved developments in this area. If they have not been constructed when required for this subdivision, then the construction of certain portions of these previously approved water mains, sewer mains, and streets, as required by the City Engineer, will become off-site improvement requirements for this vesting tentative map.
20. Water Requirements:
 - a. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
 - b. The developer shall install water facilities as required in the approved "Miramar-Scripps Pump Station Service Area Water Facilities Update Study," by Boyle Engineering, dated August 1988, and the "Miramar Ranch North Water System Phasing Study," by Powell and Associates, dated April 1990, and "Addendum No. 1 Interim Water System Study," dated November 1990, satisfactory to the Water Utilities Director.
 - c. Occupancy of this subdivision shall take place after the completion of installations of necessary facilities as required in the approved studies.
21. Sewer Requirements:
 - a. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that the grade of the mains will provide adequate capacity and cleansing velocities.
 - b. The developer shall install all facilities as required by the approved study.
22. Water and Sewer Requirements:
 - a. Certain common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The developer shall design and install a reclaimed water

R-277106

distribution system within Scripps Ranch North Phase II in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution within the City of San Diego," satisfactory to the Water Utilities Director. The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.

- b. The developer shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral.
23. Lot 1, Unit 6, is designated as a school site and is to be acquired in accordance with procedures established in Article 4 of the Subdivision Map Act. Prior to the approval of a final map including this school site, the City and/or school district shall enter into an agreement to acquire the site within two (2) years. Failure to enter into such agreement will terminate the school reservation.

The subdivider shall, as a part of the subdivision improvements, grade the school site and install the necessary public improvements as identified in the Community and Public Facilities Financing Plan.

24. Lot 1, Unit 5, shown on the approved tentative map, is designated as a park site. The developer shall enter into an agreement with the City at the time of the earlier of the approval of a final map which includes Lot 1, Unit 5, or the approval of a final map that results in the approval of more than 2,700 dwelling units in the community, for the design, construction, and acquisition of the park.

The park site shall be granted to the City in fee title, satisfactory to the Park & Recreation Director. This agreement shall be in lieu of park fees, in accordance with Paragraph 6.1.9 of the Development Agreement pertaining to this property.

The developer shall rough grade the park site, to Park & Recreation Department specifications, and construct the contiguous street improvements, satisfactory to the Park & Recreation Director and the City Engineer.

The developer shall provide the design and construction of all park improvements, at no cost to the City, satisfactory to the Park & Recreation Director and the City Engineer.

R-277106

The park shall be open prior to the occupancy of the 2,700th dwelling unit in the community.

25. Lot 3, Unit 6, and Lot 98, Unit 11, are designated as pocket park sites and shall be granted to the City in fee title as open space. The developer shall enter into an agreement with the City, prior to the recordation of a map containing these lots, for the design, acquisition, and construction of the pocket parks.

The developer shall rough grade the pocket park sites, to Park & Recreation Department specifications, and construct the contiguous street improvements, satisfactory to the Park & Recreation Director and the City Engineer.

The developer shall provide the design and construction of all the pocket park site improvements, at no cost to the City, satisfactory to the Park & Recreation Director and the City Engineer.

26. Prior to completion of the parks, the developer shall enter into an agreement with the City for the maintenance of the pocket park sites within the Miramar Ranch North Lighting and Landscaping Assessment District.
27. 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 City Engineer. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) development agreement or such other means as may have been established by the City Council.

28. A Public Facilities Phasing Plan has been established for this community. This subdivision must conform to the approved Public Facilities Phasing Plan.
29. The final map shall conform to the provisions of Planned Residential Development No. 89-0550.
30. The final map shall comply with the provisions and requirements in any development agreements applicable to this development, satisfactory to the City Engineer.

R-277106

31. A portion of this subdivision has been identified as being within a floodway or floodplain fringe area. In connection with Council approval of the final map:
- 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 drainage easements, satisfactory to the City Engineer.
 - d. 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.
 - e. The developer shall provide slope protection, as required by the City Engineer, where the velocity exceeds 5 FPS.
 - f. 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.
 - g. Portions of this project are located in the floodplain of Cypress Canyon Creek, as delineated on Panel 82 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA).
 - h. When as-built grading plans are available, the developer must submit a request for a map revision or map amendment, as applicable, to FEMA via the Floodplain Management Section. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - i. The improvement bonds for the storm drain facilities within Cypress Canyon Road will not be released until the map revision or map amendment is issued by FEMA.

R-277106

- j. Notes provided by the Floodplain Management Section concerning work in designated floodplains shall be included on all grading and improvement plans.
32. The developer shall provide open-space easements and areas, satisfactory to the Park & Recreation Director. This may include fee-title open-space lots to the City.
33. The open space requirements are as follows:
- a. Within Unit 1:
 - i. Lot 107 shall be granted to the City in fee title for open space.
 - ii. Lot "I" and Lot "J" shall be owned and maintained by the Homeowners' Association and granted on the final map as negative open space easements.
 - iii. Lot "C," Lot "D," and Lot "F" shall be granted on the final map as open space easement for brush management, owned and maintained by the Homeowners' Association.
 - iv. Lot "A," Lot "B," Lot "G," Lot "E," and Lot "H" shall be owned by the Homeowners' Association.
 - b. Within Unit 2:
 - i. Lot "G" shall be owned and maintained by the Homeowners' Association and granted on the final map as negative open space easements.
 - ii. Lot "C," Lot "D," Lot "E," Lot "H," "Lot I," and Lot "K" shall be granted on the final map as open space easements for brush management, owned and maintained by the Homeowners' Association.
 - iii. Lot "A," Lot "B," Lot "F," and Lot "J" shall be owned by the Homeowners' Association.
 - c. Within Unit 3:
 - i. Lot "A" shall be granted on the final map as open space easement for brush management, owned and maintained by the Homeowners' Association.
 - ii. Lot "B" shall be owned by the Homeowners' Association.

R-277106

- d. Within Unit 4:
 - i. Lot "B" shall be granted on the final map as a negative open space easement, owned and maintained by the Homeowners' Association.
 - ii. Lot "A" shall be granted on the final map as a open space easement for brush management, owned and maintained by the Homeowners' Association.
- e. Within Unit 5: Lot 2 shall be granted to the City in fee title for open space.
- f. Within Unit 6: Lot 2 shall be granted to the City in fee title for open space.
- g. Within Unit 7:
 - i. Lot "A" shall be granted on the final map as an open space easement for brush management, owned and maintained by the Homeowners' Association.
 - ii. Lot "B" shall be granted on the final map as a negative open space easement, owned and maintained by the Homeowners' Association.
- h. Within Unit 8: Lot "A" shall be owned by the Homeowners' Association.
- i. Within Unit 9:
 - i. Lot 2, Lot 3, and Lot 4 shall be granted to the City in fee title for open space.
 - ii. Lot "B" shall be owned by the Homeowners' Association.
 - iii. Lot "A" shall be granted on the final map as open space easements for brush management, owned and maintained by the Homeowners' Association.
- j. Within Unit 10:
 - i. Lot 2 shall be granted to the City in fee title for open space.
 - ii. Lot "A" shall be granted on the final map as open space easements for brush management, owned and maintained by the Homeowners' Association.

R-277106

k. Within Unit 11:

- i. Lot 99, Lot 100, Lot 101, Lot 102, Lot 103, and Lot 104 shall be granted to the City in fee title for open space.
- ii. Lot "C," Lot "D," Lot "E," Lot "F," Lot "O," Lot "T," Lot "U," and Lot "V" shall be granted on the final map as open space easements for brush management, owned and maintained by the Homeowners' Association.
- iii. Lot "A," Lot "B," Lot "K," Lot "L," Lot "M," Lot "N," Lot "P," Lot "Q," Lot "R," and Lot "S" shall be owned by the Homeowners' Association.

l. Within Unit 12:

- i. Lot "I" shall be granted on the final map as negative open space easements, owned and maintained by the Homeowners' Association.
- ii. Lot "C," Lot "D," Lot "E," and Lot "G" shall be granted on the final map as negative open space easements for brush management, owned and maintained by the Homeowners' Association.
- iii. Lot "A," Lot "B," Lot "F," and Lot "H" shall be owned by the Homeowners' Association.

m. Within Unit 13:

- i. Lot 92 shall be granted to the City in fee title for open space.
- ii. Lot "F," Lot "G," Lot "H," Lot "J," Lot "N," and Lot "M" shall be granted on the final map as negative open space easements for brush management, owned and maintained by the Homeowners' Association.
- iii. Lots "I" and Lot "L" shall be granted on the final map as negative open space easements, owned and maintained by the Homeowners' Association.
- iv. Lot "A," Lot "B," Lot "C," Lot "D," Lot "E," and Lot "K" shall be owned by the Homeowners' Association.

34. 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.
35. 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.

R-277106

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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  Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-277106** Adopted **JAN 0 8 1991**