

(R-91-2166)

RESOLUTION NUMBER R-277970

ADOPTED ON MAY 21, 1991

WHEREAS, on April 4, 1991, the Planning Commission recommended that the Council approve, with conditions, Planned Residential Development and Hillside Review Permit No. 90-0898 (Scripps Ranch North, Phase 3) submitted by MCMILLIN-BCED/MIRAMAR RANCH NORTH, a California general partnership ("McMillin"), Owner/Permittee, to develop a Planned Residential Development in a 423-acre subdivision located east of I-15, north of Miramar Lake and south and west of Spring Canyon Road, and as more particularly described as Parcel 1 and Parcel 2, of Parcel Map No. 11571, Parcel 2 of Parcel Map No. 11428, Parcel 1 of Parcel Map No. 11698, Lago Dorado Industrial Park per Map No. 11991, a portion of the southwest quarter of Section 28, a portion of the northwest quarter of Section 33, a portion of the northwest quarter of Section 32, Township 14 South, Range 2 West, San Bernardino Base Meridian, City of San Diego, State of California, located in the Miramar Ranch North Community Plan area in the Hillside Review and A1-10, R-1500, R1-5000, R1-6000 and R1-8000 zones; and

WHEREAS, on April 16, 1991, the Council of The City of San Diego considered Planned Residential Development and Hillside Review Permit No. 90-0898 pursuant to Section 101.0901 of the Municipal Code of The City of San Diego, and received for its

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consideration written and oral presentations, and heard from all interested parties present at the public hearing, and pursuant to Resolution No. R-277110 granted Planned Residential Development and Hillside Review ("PRD/HR") Permit No. 90-0898; and

WHEREAS, on April 23, 1991, the Council considered the claim of McMillin that the Council's failure to approve development of the "knoll" area on April 16, 1991, when it granted PRD/HR Permit No. 90-0898, was inconsistent with the Agreement entered into by McMillin and the City on September 18, 1990, on file in the Office of the City Clerk as Document No. RR-276578 ("Settlement Agreement"); and

WHEREAS, the Council on April 23, 1991, also considered the issue of development on the "knoll" area, conceptually approved partial development on the "knoll" area, and directed Staff to bring forward to the Council an Amendment to the Settlement Agreement at the time the matter of reconsideration of PRD/HR Permit No. 90-0898 and VTM 90-0898 was brought back before the Council; and

WHEREAS, the Council on April 29, 1991, considered the matter of the request for reconsideration of the Council's action on April 16, 1991, regarding PRD/HR Permit No. 90-0898 and VTM No. 90-0898 as they related to the development of the "knoll" area, approved the reconsideration, and set the matter for a public hearing on May 21, 1991; and

WHEREAS, the Council on April 29, 1991, by Resolution No. R-277830, also authorized the Manager to enter into an Amendment to the Settlement Agreement on file in the Office of the City Clerk as Document No. RR-277830; and

WHEREAS, the Council of The City of San Diego on May 21, 1991, considered Planned Residential Development and Hillside Review Permit No. 90-0898, Planning Department Report No. 91-165, and received for its consideration written and oral presentations and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Residential Development/Hillside Review Permit No. 90-0898:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed project is located in an area designated for very low (0-3 dwelling units per acre), low density residential (3-6 dwelling units per acre), medium density residential (9-12 dwelling units per acre), medium high density residential (12-24 dwelling units per acre), open space, and an overlook park, within the adopted Miramar Ranch North Community Plan. The project as proposed will develop single-family residences on Units 1, 2, 4, 5, 6 and 7 of Vesting Tentative Map No. 90-0898, at a density of 5.6 residential dwelling units per

PRD net acre, and develop multiple-family residences on Unit 3 consistent with the adopted community plan. In addition, approximately 172 acres of natural open space will be provided as the project's open space element, consistent with that recommended in the adopted Miramar Ranch North Community Plan and the adopted Settlement and Development Agreements.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. Conditions have been incorporated into this planned residential development permit relative to significant unmitigated environmental impacts on biological resources, landform alterations and visual quality. A number of conditions have been incorporated into this planned residential development permit relative to the mitigation of potentially significant environmental impacts, including transportation, circulation, brush management, visual quality, urban design and noise mitigation.

The project has incorporated design guidelines to assure consistency of design and to minimize impacts on the community. The street scene will be compatible with the residential development in the surrounding communities. The rear and side elevations will be articulated on the front or street elevations and this will enhance the visual quality of the community. The

garage portion of the residences will not be the dominant element of the street scene. Solid three to five-foot-high stucco sound attenuation walls will be provided along Spring Canyon Road and Scripps Ranch Boulevard.

Landscaping will be provided between the sidewalk and the sound attenuation walls as a buffer. The project has been determined to be in compliance with the brush management requirements of the City's Fire Code and The City of San Diego Landscape Technical Manual.

The project has been determined to be in substantial compliance with the concept grading plan of the community plan. Subsequent multiple-family development on Unit 3 of Vesting Tentative Map No. 90-0898, has been conditioned to require a specific amendment of Planned Residential Development Permit No. 90-0898 and will include the integration of two residential product types and will comply with the City's policies on affordable housing.

Site specific multiple-family development proposals would be evaluated against compliance with the design guidelines and the design recommendations of the Miramar Ranch North Community Plan, regulations of the Municipal Code relevant to planned residential developments and multiple-family development, and the residential design guidelines associated with Planned Residential Development Permit No. 90-0898.

3. The proposed use will comply with the relevant regulations in the Municipal Code. This residential development

respects the development recommendations within the adopted community plan. The project fulfills regulations of the Municipal Code relevant to planned residential development and vesting tentative maps.

BE IT FURTHER RESOLVED, that this Council accepts the site planning framework adopted as part of the plan amendment of the Miramar Ranch North Community Plan in 1987 and that certain agreement entered into by the City and McMillin on September 18, 1990, on file in the Office of the City Clerk as Document No. RR-276578 ("Settlement Agreement") and adopts the following written findings with respect to Hillside Review Permit No. 90-0898:

1. The site is considered to be physically suitable by the concept grading plan for the design and siting of the proposed structures and will result in the minimum disturbance of sensitive areas within the constraints of the Settlement Agreement and the concept grading plan. The residential development has been designed to adapt to and conserve some of the existing topography, some of the prominent nodes and some natural character of the hillsides and ridges. Roads and lots have been oriented along contour lines as much as possible within the constraints of the concept grading plan and the Settlement Agreement.

2. The grading and excavation proposed in connection with the development will not result in excessive soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health,

safety and general welfare. Disturbed slopes are to be planted with native or self-sufficient vegetation. All slopes that are adjacent to scenic corridors, major and secondary roadways, slopes subject to public view, slopes adjacent to open space areas, and slopes internal to the project will be landform or contour graded. All graded or disturbed areas which are not otherwise developed shall be permanently revegetated with native vegetation.

3. The proposed development partially retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The project has been designed to maximize public access to canyons, overlooks, or open space areas. Contour lot grading has been utilized to adapt to the natural character of the hillside in several prominent locations. Natural landscaping shall be provided on all manufactured slopes adjacent to natural canyons on hillsides.

4. The proposed development is in substantial conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the Miramar Ranch North Community Plan, and other adopted applicable plans, and the Hillside Review Overlay Zone. The project is in substantial compliance with the concept grading plan in the Miramar Ranch North Community Plan. The applicant has discussed the feasibility of open space



dedications or easements with appropriate City staff. A landscape maintenance district will be established to maintain the open space.

5. The proposed development is in substantial conformance with the qualitative guidelines and criteria as set forth in the "Hillside Design and Development Guidelines" (Document No. RR-262129). Although this project includes areas in the Hillside Review Overlay Zone, the Settlement Agreement and the adopted concept grading plan allows for substantial landform alterations. The grading for the Scripps Ranch Boulevard Road alignment establishes the primary precedent for landform alterations within this portion of the community plan area.

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

BE IT FURTHER RESOLVED, that development of the "knoll" area as indicated in the Amendment to the Settlement Agreement on file in the Office of the City Clerk as Document No. RR-277830 is hereby approved.

BE IT FURTHER RESOLVED, that the size of the water tank as currently proposed shall be retained, however, crib walls on both sides of the water tank may be removed, cottonwood trees shall be integrated into approved oak trees around the base of the reservoir on two sides, and the tank shall be painted blue/gray to obscure the tank and satisfy the landscaping/sizing issue set forth in Resolution No. R-277709.

BE IT FURTHER RESOLVED, that no changes be made in the Resource Base Park allocation of costs procedures.

BE IT FURTHER RESOLVED, that the McMillin Homeowners Association program is hereby approved in satisfaction of said requirement set forth in Resolution No. R-277710 adopted on April 16, 1991.

BE IT FURTHER RESOLVED, that Planned Residential Development and Hillside Review Permit No. 90-0898 is hereby granted to McMillin-BCED/Miramar Ranch North under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By *Janis Sammartino*  
Janis Sammartino  
Deputy City Attorney

JS:pev  
06/14/91  
Or. Dept: Clerk  
R-91-2166  
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PLANNED RESIDENTIAL DEVELOPMENT AND HILLSIDE REVIEW  
PERMIT NO. 90-0898

SCRIPPS RANCH NORTH PHASE 3

CITY COUNCIL

This Planned Residential Development ("PRD") and Hillside Review Permit No. 90-0898. Scripps Ranch North, Phase 3 is granted by the Council of The City of San Diego to MCMILLIN-BCED/MIRAMAR RANCH NORTH, a California general partnership, Owner/Permittee, under the conditions contained in Section 101.0901 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a planned residential development described as Parcel 1 and Parcel 2, of Parcel Map No. 11571, Parcel 2 of Parcel Map No. 11428, Parcel 1 of Parcel Map No. 11698, Lago Dorado Industrial Park per Map No. 11991, portion of the southwest quarter of Section 28, portion of the northwest quarter of Section 33, and portion of the northwest quarter of Section 32, in Township 14 South, Range 2 West, San Bernardino Meridian all in the City of San Diego, County of San Diego, State of California, located on the east of Interstate 15, between Spring Canyon Road to the east and Miramar Reservoir to the south, in the Miramar Ranch North Community, A1-10, and Hillside Review Overlay Zone.
2. The planned residential development permit shall include the total of the following facilities:
  - a. Five hundred thirty-eight (538) single-family dwelling units within Units 1, 2, 4, 5, 6 and 7 of Vesting Tentative Map No. 90-0898.  
  
Three hundred (300) multi-family dwelling units are proposed for future development on Unit 3, of Vesting Tentative Map No. 90-0898 which will require a specific amendment(s) of PRD Permit No. 90-0898.
  - b. Off-street parking (see Condition No. 7);
  - c. Private recreational facilities and associated open space areas are proposed for Unit 3, of Vesting Tentative Map No. 90-0898 and as identified on Exhibit "A," dated April 16, 1991, on file in the Planning Department.
  - d. Incidental accessory uses as may be determined and approved by the Planning Director.

- e. Proposed "overlook park" on Scripps Ranch Boulevard identified on Exhibit "A," dated April 16, 1991 on file in the Planning Department.
3. Prior to the issuance of any building permits, a final map shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites and all brush management areas per City of San Diego Landscape Technical Manual and the PRD Ordinance. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. Areas of the site designated as open space shall be in accordance with Exhibit "A," dated April 16, 1991, on file in the Planning Department.
5. Prior to the issuance of grading permits, landscape and erosion control measures shall be submitted to the satisfaction of the Planning Director and Environmental Analysis Section. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated April 16, 1991, on file in the Planning Department. All landscaping shall be installed prior to issuance of any occupancy permit.

Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

6. The construction and continued use of this permit shall be subject to the applicable regulations as specified in the Development Agreement so long as the Development Agreement is in effect.
7. One thousand five hundred and fifty-seven (1,557) total parking spaces shall be provided for single-family development of Units 1, 2, 4, 5, 6 and 7 of VTM 90-0898 (at a ratio of 3 spaces per dwelling unit). Of those spaces, 538 curb spaces shall be provided for guests (at a ratio of 1 space per unit). No curb parking will be permitted on the proposed Scripps Ranch Boulevard. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of

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Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

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these off-street parking spaces. Each space shall be maintained on the subject property in the approximate location shown on Exhibit "A," dated April 16, 1991, on file in the Planning Department.

8. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
9. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Director. Patio covers may be permitted only if they are consistent with the Design Guidelines in Exhibit "A" and architecture of the dwelling unit and the brush management program.
10. Except as shown on the vesting tentative map, no manufactured slope shall be steeper than a ratio of 1.5:1 and all manufactured slopes greater than 30 feet shall be contour graded.
11. The applicant shall post a copy of the approved PRD Permit and adopted community plan and have copies of the adopted Miramar Ranch Community Plan available in the sales office for consideration by each prospective buyer.
12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-8000, R1-6000, R1-5000 and R-1500 zones.
13. A walkway shall be provided from each unit to the private street or public street right-of-way.
14. Details of all exterior illumination shall be submitted and approved by the Planning Director prior to the issuance of building permits. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be the date of APPROVAL by the City Council. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0901 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable development agreement requirements.

16. No development shall commence, nor shall any permit for construction be issued, until:
  - a. The Permittee signs and returns the permit to the Planning Department;
  - b. The planned residential development permit is recorded in the Office of the County Recorder.
17. The property included within this planned residential development shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the Planning Director.
18. This planned residential development permit is subject to revocation if there is any material breach by Owner/Permittee in the conditions of this permit (or the Settlement Agreement). Revocation proceedings may be instituted by the City. Upon the occurrence of any material breach, thirty (30) days written notice specifying the nature of the alleged material breach or default and, when appropriate, the manner in which said breach may be satisfactorily cured, shall be provided to Owner/Permittee. After proper notice and expiration of said thirty (30) day cure period without cure, this permit is subject to revocation. Owner/Permittee shall be entitled to due process (including an opportunity to be heard orally and in writing) before any decision is made by the City regarding the revocation.
19. This planned residential development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
20. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards irregardless of Building Inspection Department requirements for building permits.
21. The Planning Director has the authority, upon approval of Owner/Permittee, to grant variations from the setback distances shown on the VTM and PRD.
22. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated April 16, 1991, on file in the Planning Department. All signs requested and proposed for this project shall conform

to City Wide Sign Regulations and be approved by the Planning Director.

23. Streets shall be named and begin with appropriate terms. Public refuse collection shall not be permitted unless approved by the Director of Waste Management. All streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any streets except in approved locations as approved by the City Engineer.
24. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
25. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances, shall be installed in accordance with the plans approved per the City of San Diego Landscape Technical Manual, by the Planning Director and the City Engineer. The landscaping shall be properly maintained to ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a homeowners association which will assume responsibility for the landscape maintenance. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
26. Manufactured slopes proposed for open space lots within Units 1, 2, 3, 6 and 7 of Vesting Tentative Map No. 90-0898 shall be built with variable slope contours and undulation techniques and native plant materials established per Landscape Concept Plan, Exhibit "A," dated April 16, 1991, on file in the Planning Department.
27. Erosion control measures, satisfactory to the City Engineer and Planning Director, shall be implemented for subsequent multi-family residential developments within the Phase 3 area as identified by Unit 3 of Vesting Tentative Map 90-0898. Trees, shrubs, groundcover and other landscape concept features proposed for the multi-family development pad shall be submitted to the satisfaction of the Planning Director pursuant to the Design Guidelines, Exhibit "A" and amendment(s) of this permit.



28. Prior to issuance of building permits for any multi-family units, a fire access plan, including details and indicating all major fire department access drives and fire lanes, satisfactory to the City Fire Department, shall be submitted for review and approval of the Planning Director.
29. Plans including grading and a landscape plan for the "overlook park" and other associated recreation and public right-of-way areas, indicating specific elements, sizes and species of plants satisfactory to the Director of Parks and Recreation, shall be required prior to the issuance of building permits for "overlook park". "Overlook park" shall be built as set forth in the Public Facilities Financing Plan (PFFP).
30. The project shall comply with Exhibit "A," dated April 16, 1991 and on file in the Planning Department, and the City of San Diego Landscape Technical Manual to the extent its requirements are consistent with the Development Agreement for grading and maintenance established for the project's brush management program.
31. Prior to the issuance of building permits for Unit 1, a copy of the building plans for sound attenuation walls shall be submitted to The City of San Diego Planning Department, Development and Environmental Planning Division for review. A minimum three-foot-high and maximum five-foot noise wall shall be constructed consistent with Figure 21 of Supplemental Environmental Impact Report ("SEIR") No. 90-0898 and shall be in substantial conformance with Exhibit "A," dated April 16, 1991, on file in the Planning Department. Prior to the issuance of occupancy permits, a field check of the site shall be made by a Development and Environmental Planning Division representative to ensure that the noise walls have been properly installed. The sound attenuation walls shall comply with Municipal Code section 101.0620, Fences.
32. Prior to the issuance of occupancy permits, a field inspection shall be made by Development and Environmental Planning Division, to ensure that the brush management plan as detailed on Figure 17 of the SEIR and Exhibit "A" has been satisfactorily implemented. Maintenance of the brush management areas shall be the responsibility of the homeowner's association. Field checks every three years, shall be made by the Development and Environmental Planning Division to ensure compliance with on-going maintenance as outlined in the City of San Diego Landscape Technical Manual.

33. The three lots on the western knoll of Unit 2 shall be limited to one-story residential construction, with a roof peak height limit of 20 feet.
34. A pedestrian open space trail system shall be developed and included on the final maps, subject to the approval of the Directors of Park and Recreation, Water Utilities, and Planning Departments.
35. The subsequent development of Unit 3 (VTM 90-0898) shall require a site specific noise analysis to identify potential noise impacts and appropriate mitigation measures to be incorporated into the PRD permit amendment(s).
36. Subsequent development of Phase 3 multi-family sites (Unit 3) will require an amendment(s) of Planned Residential Development Permit No. 90-0898. Development of this site shall be in substantial conformance with the community plan, Design Guidelines, Development Agreement, Settlement Agreement, planned residential development, and other applicable Municipal Code regulations.
37. This planned PResidential Development Permit No. 90-0898 for the Scripps Ranch North, Phase 3 development area will result in the following use by unit:

PHASE 3 LAND USE SUMMARY

UNIT	LAND USE	GROSS ACRES	NET <sup>1</sup> ACRES	OPEN SPACE	ZONE	NUM. UNITS
1	SF(8K)	99	19	80	R-1-8000	55
2	SF(8K)	85	33	52	R-1-6000	102
3	MF(R1-1500)	55	23	32	12-24du/ac	300
4	SF(5K)	35	23	4	R-1-5000	158
5	SF(6K)	68	27	31	R-1-6000	115
6	SF(6K)	50	10	38	R-1-6000	30
7	SF(6K)	31	15	12	R-1-6000	78
<b>TOTAL</b>		<b>423</b>				<b>838</b>

<sup>1</sup>NET = GROSS - (O.S. + R.O.W.)

38. All amendments to PRD/HR No. 90-0898 shall conform to the Design Guidelines (Exhibit "A", PRD No. 90-0898). Amendments to the planned development permit for Unit 3 shall contain two architectural product types and shall conform to the Design Guidelines. Pursuant to Settlement

Agreement, Planned Industrial Development ("PID")  
No. 83-0752 and final map shall remain in effect until the  
final map for Unit 3 is recorded with the County Recorder.

39. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance No. O-17327. The developer shall design and install a reclaimed water distribution system, satisfactory to the Water Utilities Director.
40. Public access will be provided from all public streets, landscape maintenance and utility easements and cul-de-sacs that contact open space areas. A system of pedestrian trails will link open space areas and access points.
41. Reservoir Overlook Park area along Scripps Ranch Boulevard will have a maximum of ten parking spaces, and all grading will be limited to providing parking and passive recreation elements. Grading will be designed to replicate existing landforms, and will be recuperated to restore continuity with surrounding native plant communities.
42. Prior to the recordation of final maps or any land development permit, the potential vernal pool area shall be inventoried and mapped. If any federally endangered species are discovered, in identified vernal pools, the open space configuration will be modified to preserve the aforementioned. If the 1991 Spring Survey determines that no vernal pools exist on site, this condition shall be deemed satisfied.
43. A three-year landscape maintenance and monitoring program shall be implemented by the developer to ensure successful revegetation of all manufactured slopes. The program shall include irrigation, plant replacement and maintenance. The Development and Environmental Planning Division shall be informed in writing of the date on which revegetation of the slopes has been completed. Once each year for three years following the date of initial plantings, the Deputy Director of the Development and Environmental Planning Division shall review to verify satisfactory establishment of the vegetation. If the initial plantings have not been adequately established the maintenance plan shall remain in effect.
44. Proposed natural open space areas (excluding brush management), areas within public rights-of-way on Scripps Ranch Boulevard, major manufactured slopes adjacent to Scripps Ranch Boulevard and Spring Canyon Road will be maintained through establishment of a Landscape Maintenance District to be administered by The City of San Diego.

45. Proposed private drives, recreation centers and related open space areas within the multi-family development site (Unit 3), manufactured slopes adjacent to developed areas (excluding slopes adjacent to Scripps Ranch Boulevard and Spring Canyon Road, and individual residential lots) and brush management will be maintained by homeowners association(s). Areas of the site to be included in the City administered landscape maintenance district shall be in accordance with Exhibit "A," dated April 16, 1991, on file in the Planning Department.
46. The developer shall provide off-street parking for landscape maintenance vehicles adjacent to major streets (Scripps Ranch Boulevard and Spring Canyon Road). Designated locations, dimensional standards and type of surface for off-street parking areas shall be determined to the satisfaction of the Planning Director, City Engineer and Department of Park and Recreation.
47. Prior to the issuance of a land development permit, the Development and Environmental Planning Division of the Planning Department shall review and approve the grading plans for conformance with the Design Guidelines and Vesting Tentative Map No. 90-0898.
48. Prior to the issuance of building permits, a field check shall be conducted by the field engineer to ensure that the site has been graded per the final grading plan. If the site has not been graded in compliance with the final grading plan corrective measures, as deemed necessary by the Field Engineer, shall be taken. If the grading conforms with the Design Guidelines and final grading plan, this measure shall be considered satisfied.
49. CC&R's developed by and for the homeowners association shall be reviewed by the Deputy Director of the Development and Environmental Planning Division for substantial conformance with the permit conditions (including Design Guidelines). Provisions shall be included within the CC&R's that provide notification to property owners of the existence of adjacent sensitive biological resources and the need for watershed protection for Miramar Reservoir.
50. To the extent this condition is consistent with state and local laws, this project shall comply with the phasing and financing standards, policies and requirements relating to growth management in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by The City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant

to this condition at the time such future requirements and their impact on the project are defined.

This condition shall have no force or effect while the Settlement Agreement or the Miramar Ranch North Development Agreement are in effect.

51. Open, obscured-color fencing shall be installed within the rear yard of the developable areas of lots as illustrated on Exhibit "A," dated April 16, 1991, on file in the Planning Department.
52. The Owner/Permittee shall provide building address numbers visible and legible from the street or road fronting property or a directory, satisfactory to Fire Chief and City Engineer.
53. Individual lot pressure regulators shall be required when the lowest fixtures are subject to maximum pressure exceeding 80 p.s.i. in accordance with the Uniform Plumbing Code (UPC).
54. The Owner/Permittee shall comply with all mitigation measures, and the associated Mitigation Monitoring and Reporting Program listed in the Environmental Impact Report No. 90-0898 which is incorporated herein by reference as a condition of this permit.
55. The Owner/Permittee shall comply with the design guidelines which are a part of Exhibit "A," attached hereto and incorporated herein by reference. Any and all modifications to these design guidelines shall be made upon request of Owner/Permittee administratively by the Planning Director, and shall not be deemed a discretionary action. Architectural elevations submitted or on file are for architectural character only, and do not represent approved floor plans.
56. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be voidable. However, in the event that a challenge to any condition of this permit is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the City Council of the City of San Diego on May 21, 1991.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk  
The City of San Diego

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

McMillin-BCED/Miramar Ranch North  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.

MAY 21 1991

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 *Blonda R. Barwell*, Deputy.

Office of the City Clerk, San Diego, California

MAY 21 1991

Resolution Number *R-277970* Adopted.....