

(R-95-1855)

RESOLUTION NUMBER R-285912

ADOPTED ON JUNE 6, 1995

WHEREAS, Miramar Ranch North, a California general partnership, Owner/Permittee, filed an application to develop a Planned Residential Development, Scripps Ranch North Unit 1-A, described as Lots 3 through 30 of Scripps Ranch North Unit No. 1, Map No. 12786, located north of Scripps Poway Parkway, east of Scripps Summit Drive, within the Miramar Ranch North Community Planning area in the R-1500 and R1-5000 Zones; and

WHEREAS, on June 6, 1995, the City Council of the City of San Diego considered Planned Residential Development Permit No. 94-0313, pursuant to Section 101.0900 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this City Council adopts the following findings with respect to Planned Residential Development Permit No. 94-0313:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.**

The Miramar Ranch North Community Plan has been amended to allow the proposed land use. This project proposes uses that are consistent with those identified with the amended community plan.

- B. 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.**

The PRD as proposed complies with the purpose and intent of the PRD ordinance and will provide for effective pedestrian and vehicular circulation within the development. Site specific PRD amendments are required for future developments of the multifamily units.

**C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**

Lot configuration and development deviations utilized within this project are consistent with the purpose and intent of the PRD ordinance. Varied front yard setbacks are utilized to enhance the street scene and reduce the visual impact of the garage.

**Brush Management Findings**

1. The proposed brush management program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code Section 101.0462.

The proposed brush management program will limit impacts to sensitive vegetation and hillsides, and to the greatest extent possible, reduce the threat of potential fires and still maintain the natural character of the undisturbed natural areas.

2. The proposed brush management program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

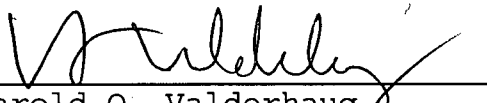
Conditions have been required in the permit to prevent impacts from erosional forces by limiting the selective thinning of existing vegetation, and by protecting the soil surface area by applying mulch where vegetative thinning has occurred.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Planned Residential Development Permit No. 94-0313, is hereby granted to Miramar

Ranch North, Owner/Permittee, under the terms and conditions set forth in Planned Residential Development Permit No. 94-0313, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
08/04/95  
Or.Dept:Clerk  
PRD 94-0313  
R-95-1855

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 94-0313  
SCRIPPS RANCH NORTH UNIT 1-A  
CITY COUNCIL

This Planned Residential Development Permit is granted by the City Council of the City of San Diego to MIRAMAR RANCH NORTH, a California General Partnership, Owner/Permittee, under the conditions contained in Section 101.0900 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 Lots 3 through 30 of Scripps Ranch North Unit No. 1, Map No. 12786, located north of Scripps Poway Parkway, east of Scripps Summit Drive within the proposed R-1500 and R1-5000 Zones (currently M-IP Zone).
2. The Planned Residential Development Permit shall include the total of the following facilities:
  - a. 221 single-family residences within Units 3, 4 and 5; and
  - b. Up to 266 attached dwelling units and associated improvements within Units 1 and 2. Development within Units 1 and 2 shall require site specific amendments of this PRD; and
  - c. Off-street parking within a private street/driveway system; and
  - d. Recreational facilities as may be required under future PRD amendments; and
  - e. Viewpoint Park and two tot lots (Lot "I" within Unit 4) as shown on Exhibit "A"; and
  - f. Site landscaping and brush management; and
  - g. Incidental accessory uses as may be determined and approved by the Development Services Director.

3. Prior to the issuance of any grading or building permits, a final subdivision map (TM 94-0313) shall be recorded on the subject property. Rezoning of the subject property shall be approved by the City Council and become effective with the recordation of the subdivision map. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering Director and the Development Services Director.

4. A "Nonbuilding Area" or easement designation shall be granted and shown on said map (TM 94-0313) on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and irrigation, shall be submitted to the Development Services Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated June 6, 1995, on file in the Development Services Department. All landscaping shall be installed for any particular phase prior to issuance of an 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. 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 and equivalent size per the approved plans, to the satisfaction of the Development Services Director.

7. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

8. A total of 663 parking spaces shall be provided (at a ratio of three (3) spaces per dwelling unit). Of those spaces, 221 shall be provided for guests (at a ratio of 1 space per unit) as shown on Exhibit "A" dated June 6, 1995. Curb spaces may be included in the calculation of guest parking. 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. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated June 6, 1995. Parking spaces and aisles shall conform to Development Services Department standards. No charge shall be made at any time for use of these off-street parking spaces. Resident and guest parking ratios for future multifamily development within Units 1 and 2 will be determined at the time of submittal of the site specific PRD amendments for these units.

9. 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.

10. No building additions, including patio covers, shall be permitted unless a recommendation by the homeowner's association is provided to the City and the Development Services Director approves the addition. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit, to which it relates and the brush management plan, if applicable.

11. No manufactured slope shall be steeper than a ratio of 2:1 except as provided in Section 62.0415 of the City of San Diego Municipal Code which provides that slopes less than 10 feet in vertical height can be constructed at a gradient of 1.5:1.

12. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.

13. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations, and the Scripps Ranch Villages Guidelines, and be administered by the Sign Code Administration Division of the Development Services Department. If in conflict, the provisions of the Citywide Sign Regulations shall prevail.

14. All private outdoor lighting shall be shaded and adjusted such that the light falls only on the same premises where such lights are located.

15. The effective date of this permit shall be the date of final action by the City Council or the effective date of a concurrent rezoning case and community plan amendment, whichever occurs later. 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 decision-maker, as set forth in Sections 101.0901G. and 111.1122 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the decision-maker.

16. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to the Development Services Department;
- b. The Planned Residential Development Permit is recorded by the Development Services Department in the Office of the County Recorder.

- c. If the signed permit is not returned to the Development Services Department within 90 days of the decision of the City Council, this permit shall be void.

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 authorized by the Development Services Director or the permit has been revoked by the City of San Diego.

18. This Planned Residential Development Permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.

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 shall require the approval of the Development Services Director and must meet zoning regulations and Planned Residential Development Permit Guidelines and Standards irregardless of requirements for building permits.

21. On a unit by unit basis, this Planned Residential Development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Development Services Director.

22. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

23. The Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

24. Prior to the approval of any building plans for this subdivision, the plans shall indicate that all driveway access to private individual lots will be limited to a maximum twenty-four-foot depressed curb with three-foot wings on either side. Private driveways accessing any private lot may transition beyond the property line to allow vehicular access to any three car garages to the satisfaction of the Development and Environmental Planning Division of the Development Services Department.

25. Prior to the issuance of building permits, building plans shall indicate the location of street trees within the publicly dedicated streets or within the private lot. All trees shall be within ten feet of the curb. Other improvements such as driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees in substantial conformity with the approved Exhibit "A", Landscape Concept Plan and in conformance with the Landscape Technical Manual (LTM), sections 8.2-2, 8.2-5, 8.2-6 and 8.2-7 to the satisfaction of the Development and Environmental Planning Division of the Development Services Department. Street trees shall be installed as to location and quantity, pursuant to the requirements of the *Landscape Technical Manual*.

26. Prior to the issuance of any building permits, complete landscape plans, including a complete automated irrigation system, shall be submitted for review and approval for all streetyards as defined by City of San Diego Municipal Code (SDMC) Section 101.0704D, with the inclusion that all references to a "street" shall also include all private driveways, and "streetyard" is understood to be the front yard and side yards on corner lots. Plans shall indicate the planting of trees, shrubs and ground covers. Trees shall be planted along publicly dedicated streets and private driveways as shown on the Landscape Concept Plan, Exhibit "A." Prior to issuance of any occupancy permit, inspection of the approved landscape shall be approved by the Development and Environmental Planning Division of the Development Services Department.

27. Prior to issuance of any building permits complete brush management plans shall indicate, and contradicting note six (6) from the Basic Requirements - All Zones as shown on the Brush Management Plan, Exhibit "A," dated June 6, 1995, that "all organic debris and trimmings produced by thinning of existing plant materials in zones two and three shall be converted into mulch by mechanical means and dispersed evenly throughout zones two and three."

28. All trees indicated on the Landscape and Brush Management Notes, Exhibit "A," dated June 6, 1995, as Residential Streetscape trees shall be a minimum size of twenty-four-inch box specimens. Contradicting the Landscape and Brush Management Notes, Exhibit "A," dated June 6, 1995, no *Pyrus kawakami*, Evergreen Pear or *Nerium oleander*, oleander shall be approved for planting as indicated in the plant palette. Acceptable substitutions shall be to the satisfaction of the Development and Environmental Planning Division of the Development Services Department.



29. The applicant shall implement a brush management program in accordance with the approved brush management plan for the site (Exhibit "A"), dated June 6, 1995, on file in the Development Services Department, including the following measures:

- a. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings, shall be submitted to the Development Services Department, Development and Environmental Planning Division and the Fire Marshall for approval. The plans shall be in substantial conformity to Exhibit "A," dated June 6, 1995, on file in the office of the Development Services Department and shall comply with the applicable provision of the City of San Diego "Landscape Technical Manual," document number RR-274506. The approved Brush Management Program shall be implemented on a unit by unit basis before issuance of any occupancy permit on any building and shall be inspected by the Development Services Department, Development and Environmental Planning Division Landscape Inspector prior to issuance of any occupancy permit. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained, at all times, in accordance with the guidelines of the City of San Diego's "Landscape Technical Manual," document number RR-274506, on file in the Office of the City Clerk.
- b. No accessory structures shall be permitted within Zone 1, including but not limited to wood decks, trellises, gazebos, et cetera. Non-combustible accessory structures may be approved by the Fire Marshall and the Development Services Department, Development and Environmental Planning Division.
- c. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
- d. No new planting shall occur within Zones 2 and 3.
- e. Design of the structures included in this permit identified on the Tentative Map No. 94-0313 as Unit 3, lots 7-27 and Unit 4, lots 5-22 and 25-27 and Unit 5, lots 33-54 and 57-66 shall incorporate the architectural features outlined in section 6.6-2 of the Landscape Technical Manual, document number RR-274506, on file in the Office of the City Clerk.

- f. All requirements for fire-resistive construction and other architectural features shall conform to all applicable City and Regional building code standards.
  - g. In lieu of providing a Fire Department turn-around at the end of driveway "M," Lots 26 and 29 must fire sprinkler structures built on these lots.
30. The Planned Residential Development Permit shall comply with the conditions of the final map for Tentative Map No. 94-0313.
31. The developer shall construct a system of all-weather walkways connecting each dwelling to street sidewalks within and adjacent to the development and to major points of pedestrian attraction within the development, as shown on Exhibit "A" dated June 6, 1995.
32. The developer shall provide controlled access for the emergency-access points, in a manner satisfactory to the City Engineer and the Fire Department.
33. All setbacks shall be as depicted on Exhibit "A" dated June 6, 1995, for all single-family lots within this PRD.
34. Vehicular access to the dwelling units within the PRD Permit shall be by means of a system of unnamed, non-dedicated, privately-maintained, private driveways constructed in a manner satisfactory to the City Engineer.
35. Prior to the issuance of any building permits, the applicant shall:
- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
  - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
  - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
  - d. Provide temporary street signs.
  - e. Comply with the City of San Diego Landscaping Technical Manual regarding brush and landscaping.
36. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded

special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

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 void. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

37. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

38. This PRD will become effective with City Council approval of the associated community plan amendment, street vacation, and rezoning and will expire three years thereafter. If the community plan amendment, street vacation, and/or rezoning is denied then this PRD shall be deemed denied.

39. Future development/subdivision of the multifamily units shall require a site specific amendment of PRD 94-0313.

40. Scripps Poway Parkway is classified as a six-lane major street. The subdivider shall provide additional dedication in order to allow the future widening of Scripps Poway Parkway to a six-lane major street without modifications to the existing 14' -0" wide landscaped median, satisfactory to the City Engineer and the Development Services Director.

41. These conditions shall apply to the Planned Residential Development and Tentative Map for 94-0313. When in conflict the provisions of the PRD permit shall prevail.

42. MITIGATION, MONITORING AND REPORTING PROGRAM:

- a. As a condition of Planned Residential Development Permit No. 94-0313, the applicant shall provide measures that will bring the noise levels associated with lots 67 thru 74 of Tentative Map No. 94-0313 into compliance with the City's Noise Ordinance. Exterior noise levels shall not exceed 65 decibels (dB(A)), Community Noise Equivalent Level (CNEL); and interior noise levels shall not exceed 45 dB(A), CNEL.
- b. The exterior noise level can be achieved by building a four-foot-high solid wall. The wall shall be continuous with no gaps or open spaces at the bottom. The material may be of block, brick or other solid material with a density of at least four pounds per square foot.
- c. Attenuation of interior noise levels may be accomplished through upgraded construction materials, mechanical ventilation and special construction techniques. This may include the use of glazing products, which generally require a double, double-paned slider (a window inside of a window). Baffling or elimination of attic vents may be required. Also, resilient channels in exterior walls may be necessary. A detailed noise study and specific noise attenuation measures shall be submitted and approved by the City's Noise Abatement Officer of the Development Services Department prior to the issuance of building permits.
- d. The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

APPROVED by the Council of the City of San Diego on June 6, 1995 by Resolution No. R-285912.

The following is included as information only:

The City and Owner/Permittee/Applicant previously have provided for the construction and financing of major public facilities through the existing Miramar Ranch North Public Facilities Financing Plan ("Financing Plan"). The Financing Plan provides primarily for the construction of "turn key facilities." Community Facilities District No. 1 (Miramar Ranch North) has been established as a funding mechanism to finance many of these facilities. Furthermore, the City and Owner/Permittee/Applicant have entered into associated agreements including, without limitation, the Settlement Agreement dated September 18, 1990 (and amended April 29, 1991) and Development Agreement effective February 21, 1991, which describe the respective rights and obligations of the City and the Owner/Permittee/Applicant.

To the extent the provisions and conditions of this Permit may be inconsistent with and legally control the provisions and conditions of the Settlement Agreement dated September 18, 1990 between McMillin-BCED/Miramar Ranch North and the City of San Diego (and amended April 28, 1991) and Development Agreement between McMillin-BCED/Miramar Ranch North and the City of San Diego effective February 21, 1991, the provisions and conditions of this Permit shall govern.

Additional Conditions:

Owner/Permittee/Applicant shall enter into an agreement with the City which would provide for the grading and improvement by Owner/Permittee/Applicant of the Community Park East - Cypress Canyon (CIP 9-43) so that the community park will be open concurrent with the opening of the middle school (anticipated September, 1998). The Owner/Permittee/Applicant's obligation will be subject to City's expeditious processing and approval of park plans and permits; receipt of all relevant governmental approvals (e.g., final map for the property) and all required agreements (e.g., a Park Agreement between the City and the Miramar Ranch North Partnership, a School Site Acquisition Agreement between the School District and the Miramar Ranch North Partnership, and a Joint Use Agreement between the City and the School District) and issuance by the Community Facilities District No. 1 of bonds for the cost of development of the community park in accordance with the existing Acquisition and Funding Agreement between the City and the Miramar Ranch North Partnership.

Owner/Permittee/Applicant shall enter into an agreement to construct the recreational building within one year after acceptance of community park improvements. The Owner/Permittee/Applicant's obligation will be subject to City's expeditious processing and approval of park plans and permits; receipt of all relevant governmental approvals (e.g., final map for the property) and all required agreements (e.g., a Park Agreement between the City and the Miramar Ranch North Partnership, and a Joint Use Agreement between the City and the School District); receipt of funds required to be contributed by others, and issuance by the Community Facilities District No. 1 of bonds for the cost of development of the community park and Owner/Permittee/Applicant's contribution to the recreational building in accordance with the existing Acquisition and Funding Agreement between the City and the Miramar Ranch North Partnership.

**AUTHENTICATED BY THE CITY MANAGER**

By \_\_\_\_\_

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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.

**MIRAMAR RANCH NORTH,**  
a California general partnership  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
08/04/95**