

RESOLUTION NUMBER R-285913

ADOPTED ON JUNE 6, 1995

WHEREAS, MIRAMAR RANCH NORTH, Applicant, and RICK ENGINEERING, Engineer, filed an application for a 266-lot tentative map and the street vacation of a segment of Wexford Street, located north of Scripps Poway Parkway and East of Scripps Summit Drive, and described as Lots 3 through 30, inclusive, of Scripps Ranch North, Unit 1, Map 12786, in the M-1P (proposed R1-5000 and R-1500) Zone; and

WHEREAS, the matter was set for public hearing on June 6, 1995, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter of Tentative Map No. 94-0313, Scripps Ranch North Unit 1A, and the street vacation of a segment of Wexford Street, pursuant to Section 102.0307 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 Council adopts the following findings with respect to Tentative Map No. 94-0313:

1. The map proposes the subdivision of a 131.39-acre site into 266 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 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 R1-5000 and R-1500 Zones in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, only as allowed under a Planned Residential Development (PRD) permit.

b. All lots meet the minimum dimension requirements of the R1-5000 and R-1500 Zones, only 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, only as allowed under a PRD.

d. Development of the site is controlled by Planned Residential Development Permit No. 94-0313.

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 natural heating and 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 could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 94-0089, which is included herein by this reference.

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

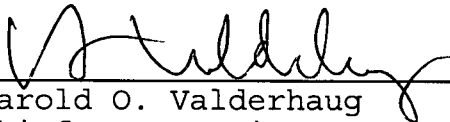
the City Engineer, in accordance with financing and environmental policies of the City Council.

10. The property contains right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307. The tentative map must be approved by 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 based on the findings hereinbefore adopted by the City Council, Tentative Map No. 94-0313, Scripps Ranch North Unit 1A, and the street vacation of a segment of Wexford Street, is hereby granted to Miramar Ranch North, Applicant, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

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Or.Dept:Clerk
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CITY COUNCIL CONDITIONS FOR
TENTATIVE MAP NO. 94-0313

1. This tentative map 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 tentative map shall be deemed denied.
2. The final map shall conform to the provisions of PRD Permit No. 94-0313.
3. 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.

4. "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).
5. "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."
6. 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.
7. The approval of this tentative map by the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
8. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Mitigated Negative Declaration No. 94-0089, satisfactory to the Development Services Director and the City Engineer, which is included herein by this reference.

9. 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 tentative map the subdivider is including in each final map and may impose reasonable conditions, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
10. 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.
11. 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.
12. The subdivider must provide a geologic reconnaissance report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0415 et seq.
13. 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.
14. 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.
15. Scripps Poway Parkway is classified as a six-lane major street. The subdivider shall grant an irrevocable offer of dedication (IOD) to widen the north side of Scripps Poway Parkway to a six-lane major street without modifications to the existing 14-foot-wide landscaped median, satisfactory to the City Engineer.
16. Wexford Street is an existing dedicated street within a 70-foot-wide right-of-way. The subdivider shall dedicate additional right-of-way to provide a cul-de-sac with a right-of-way radius of 58 feet and shall provide full improvements of pavement, curb, gutter, and five-foot-wide sidewalk within a ten-foot curb-to-property-line distance with a cul-de-sac curb radius of 48 feet, satisfactory to the City Engineer.
17. Streets "A" and "B" are classified as local residential streets within a 60-foot-wide right-of-way. The subdivider shall dedicate a 60-foot-wide right-of-way, with additional right-of-way at Scripps Poway Parkway, to provide for turn pockets and shall provide 40 feet of pavement, curb, gutter, and minimum 4-foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.
18. Street "A" at Scripps Poway Parkway shall have a minimum 20-foot curb-to-curb width for the northbound lane, satisfactory to the City Engineer.
19. The subdivider shall provide controlled access for the emergency-access points, and said access shall be constructed in a manner satisfactory to the City Engineer and the Fire Department.

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20. Lot I of Unit 4, is converted into common ownership play areas, as shown on the approved tentative map, satisfactory to the Development Services Director and the City Engineer.
21. Parking shall be prohibited at the following locations:
 - On Street "A" from Street "B" to Driveway "J"
 - On Street "A" from Scripps Poway Parkway to 250 feet north
 - On Street "B" (westerly) from Scripps Poway Parkway to Street "A"
 - On Driveway "N" adjacent to Lots 1, 2, 3, 7, 8, 31, and 32, G & I.
22. The subdivider shall construct a traffic signal at the intersection of Scripps Poway Parkway and Street "B"/Cypress Canyon Road, satisfactory to the City Engineer.
23. The subdivider shall restripe the northbound approach of Spring Canyon Road, Scripps Creek Drive, and Cypress Canyon Road to Scripps Poway Parkway with two left-turn lanes and a shared through/right-turn lane, satisfactory to the City Engineer. The subdivider shall also provide all signal modifications, as necessary, satisfactory to the City Engineer.
24. This subdivision shall comply with all requirements of the approved traffic study, satisfactory to the City Engineer.
25. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement agreeing to maintain all landscape and appurtenances thereto within the City right-of-way within this project until such time as maintenance responsibility is assumed by the landscape maintenance district, satisfactory to the City Engineer.
26. Driveways with less than a 36-foot curb-to-curb width shall have parking on one side only. Parking shall be prohibited in driveways with less than a 28-foot curb-to-curb width.
27. 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.
28. The subdivider shall provide a mutual access easement for all private driveways, satisfactory to the City Engineer and the Development Services Director.
29. The subdivider 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 the approved tentative map.
30. The subdivider shall provide a minimum 10-foot setback for the lots in Unit 3 to provide adequate sight distance, satisfactory to the City Engineer.
31. Water Requirements:
 - a. The subdivider shall install the following water mains,, in a manner satisfactory to the Water Utilities Director:

- i. A twelve-inch main in Street "A" from Scripps Poway Parkway to Street "B".
 - ii. A twelve-inch main in Street "B" from Scripps Poway Parkway to Street "A".
 - iii. A twelve-inch main in Driveway "J", from Street "A" continuing northerly in Driveway "M", through the emergency access to Driveway "N".
 - iv. A twelve-inch main in Driveway "N", from emergency access to Street "B", continuing in Street "B" to Scripps Poway Parkway.
 - v. A 12-inch main in Scripps Summit Drive, from Scripps Poway Parkway to Wexford Street.
 - vi. A twelve-inch main in Wexford Street from Scripps Summit Drive to the cul-de-sac, continuing through Lots 1 and 2 of Unit 1 (located in an adequate easement) to the twelve-inch main in Street "A"
 - vii. Eight-inch, six-inch, and four-inch mains as required.
- b. The subdivider shall install water meters within adequate easements, outside of vehicular travelways and not in ramps to garages, satisfactory to the Water Utilities Director.
 - c. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.
32. Sewer Requirements:
- a. The subdivider shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that the existing and proposed mains will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
 - b. The subdivider shall install all facilities, as required by the approved sewer study.
 - c. The Peñasquitos Trunk Sewer is approaching its ultimate capacity. If any wastewater from this development flows into the Peñasquitos Trunk Sewer then connections may be limited. A moratorium on connections shall be imposed in the event of the trunk sewer becoming a hazard to the public health and safety.
33. Water and Sewer Requirements:
- a. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral or provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The subdivider shall provide private easements for the private mains.

- b. The subdivider shall provide adequate water and sewer easements, satisfactory to the Water Utilities Director, for all on-site public water and sewer mains and appurtenances that are not located in public rights-of-way. No structures or landscaping of any kind shall be installed in or over any easement prior to the subdivider obtaining an encroachment removal agreement from the City Engineer.
 - c. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
 - d. Providing water and sewer for this subdivision is dependent upon the prior construction of certain water and sewer mains in previously approved TM 87-1088, TM 89-0550, and TM 90-0898 in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
34. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.
- In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.
35. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
36. Open Space Requirements:
- a. All landscaping easements and open space easements on Lots 3 through 30, granted by Map 12786 (Scripps Ranch North), shall be abandoned.
 - b. Lot "A", Units 1 through 5, shall have a negative open space easement for brush management and shall be owned and maintained by the homeowners' association.
 - c. Existing Lot 28, Map 12786, which is currently owned in fee title by the City of San Diego, must be reduced in size to complete the project as shown. Prior to the recordation of the first final map, the subdivider shall purchase this land from the City at fair market value, as determined by the Property Department of the City of San Diego. A full or partial exchange of land, as identified in Item "F", approved by the Park and Recreation Director, is an alternative as long as the fair market value of the land is equal or greater than the City's land.

- d. Lot "C", Unit 5, shall have an open space easement and a landscaping easement and shall be owned by the homeowners' association. The subdivider shall irrevocably offer to dedicate said lot to the City of San Diego.
 - e. Lot "C", Units 1 through 4, shall have an open space easement and a landscaping easement and shall be owned by the homeowners' association.
 - f. Lots "D" and "E" of Units 2 and 3, Lot "D" of Unit 4, and Lot "H" of Unit 5 shall have an open space easement and a landscaping easement and shall be owned and maintained by the homeowners' association for the purpose of useable open space by the homeowners.
 - g. Lots "D" and "I", Unit 5, shall have a landscaping easement and shall be owned by the homeowners' association. The maintenance of said lots may or *may not* be performed by the landscape maintenance district.
 - h. A wall or fence is required to prevent access to the City-owned open space from the individual residential lots. The height, location, and type of materials of the barrier must be approved by the Park and Recreation Director.
 - i. Prior to the recordation of the first final map, the subdivider shall enter into an agreement to address the elimination of a pocket park (Lot 30, Map 12786), satisfactory to the Park and Recreation Director.
37. Lot "A" abutting Lots 43 through 51 and 54 through 63 of Unit 5 is not acceptable to meet the requirements of brush management as required by the *Landscape Technical Manual*. Prior to the recordation of the final map for these lots, adequate easements and building restrictions shall be indicated on the final map in conformance with the *Landscape Technical Manual*, to the satisfaction of the Development Services Director.
38. Prior to the recordation of any final map for this subdivision, all lots in Units 1, 2, 3, and 5 that abut Lot "A", identified on the tentative map as "Zone One Brush Management", shall have a minimum thirty-foot brush management easement and shall be owned and maintained by the property owner(s); except for Unit 4, Lots 9 through 20 and 23, for which the brush management requirements shall be satisfied entirely within Lots "A" and "I".
39. Prior to the recordation of any final map for this subdivision, Lot "A" in Units 1, 2, 3, 4, and 5 shall be a minimum of eighty feet identified as a negative open space easement for brush management or be in conformance with the *Landscape Technical Manual* Section 6.6. All easements shall be to the satisfaction of the Development Services Director.
40. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or Future 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 Miramar Ranch North Public Facilities Financing Plan, then in effect for this community plan area, or other such financing plan as may have been established by City Council, in a manner satisfactory to the Planning Director.

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FOR INFORMATION:

- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Miramar Ranch North Community Plan area.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
- 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, date September 18, 1990 (and amended April 29, 1991), and the 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 tentative map 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 the Development Agreement between McMillin-BCED/Miramar Ranch North and the City of San Diego, effective February 21, 1991, the provisions and conditions of this tentative map govern.