

RESOLUTION NUMBER R-287443

ADOPTED ON MAY 28, 1996

WHEREAS, MIRAMAR RANCH NORTH, Applicant, and STUART ENGINEERING, Engineer, filed an application for a 17 lot vesting tentative parcel map, and street vacation of Scripps Summit Drive located south of Scripps Poway Parkway and west of Spring Canyon Road, and described as Lots 1 through 5, "A," "B" and "D" of Scripps Ranch North, Unit No. 2, Map 12788, in the CA Zone; and

WHEREAS, on May 28, 1996, the Council of The City of San Diego considered Vesting Tentative Parcel Map No. 95-0565, Scripps Ranch Villages, and the street vacation of Scripps Summit Drive, pursuant to Section 102.0307 of the San Diego Municipal Code, and testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Vesting Tentative Parcel Map No. 95-0565:

1. The map proposes the subdivision of a 25.1-acre site into 17 lots for commercial development. This type of development is consistent with the General Plan and the Miramar Ranch North Community Plan which designate the area for commercial 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 CA Zone 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 Commercial Development Permit.

b. All lots meet the minimum dimension requirements of the CA Zone, only as allowed under a Planned Commercial Development Permit.

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 Planned Commercial Development Permit.

d. Development of the site is controlled by Planned Commercial Development Permit No. 95-0565.

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 commercial 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 commercial uses.

6. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, based upon the findings in Negative Declaration No. 95-0565, 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 property contains right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307.

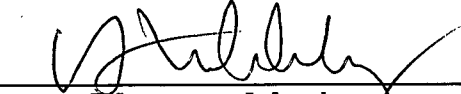
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Vesting Tentative Parcel Map No. 95-0565 is hereby granted to Miramar Ranch North,

Applicant, and Stuart Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Head Deputy City Attorney

HOV:ps
06/12/96
Or.Dept:Clerk
R-96-1604
Form=r.tm
Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO
VESTING TENTATIVE PARCEL MAP NO. 95-0565

1. This vesting tentative parcel map will expire three years after City Council approval of the street vacation and the vesting tentative parcel map.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map unless, otherwise noted.
3. The final map shall conform to the provisions of Planned Commercial Development Permit No. 950565 (amendment of PCD 94-0333).
4. 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 vesting tentative parcel 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.

5. "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).
6. "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."
7. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

R- 287443

8. The approval of this vesting tentative parcel 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.).
9. The subdivider has reserved the right to record multiple final maps over the area shown on the approved vesting tentative parcel map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the vesting tentative parcel 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. 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.
12. 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.
13. 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.
14. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain landscaping, and appurtenances thereto, within the City right-of-way, until the landscape maintenance district, or such mechanism, assumes maintenance responsibilities.
15. The subdivider shall reserve a general utility easement and overlapping electrical easements over the vacated portion of Scripps Summit Drive.
16. The subdivider shall provide a reciprocal access easement, a shared parking agreement and a shared landscape maintenance agreement addressing maintenance responsibilities for landscaping, common area tables, chairs, benches, kiosks, fountains and shade coverings.
17. The subdivider shall construct bus stop improvements of a 10 foot wide by 25 foot long Portland Cement Concrete (PCC) sidewalk on the north and south sides of Scripps Poway Parkway, approximately 200 feet west of Spring Canyon Road, satisfactory to M.T.D.B. and the City Engineer.

18. The subdivider shall widen Driveway "A" (Scripps Summit Drive vacated) to provide a 60-foot curb-to-curb width to allow for two southbound lanes and three northbound lanes.
19. North Brookville Drive is classified as a 2-lane collector street. The subdivider shall dedicate additional right-of-way from Spring Canyon Road to the easterly driveway, to provide an 80-foot wide right-of-way. The subdivider shall provide improvements adjacent to the subdivision to provide a total of 60-feet of pavement, curb, with a 5-foot wide sidewalk. The street shall be striped to provide a westbound right-turn lane, a westbound through-lane, an eastbound left-turn lane, an eastbound shared left/through lane, and an eastbound right-turn lane at Spring Canyon Road. The subdivider shall provide appropriate westerly transitions from the 60-foot pavement to the existing 40-foot pavement along North Brookville Drive.
20. The easterly driveway on North Brookville Drive must be located a minimum of 200 feet measured from the centerline of Spring Canyon Road to the centerline of the easterly driveway.
21. The subdivider shall, for the easterly driveway on North Brookville Drive, provide a drive aisle with a minimum width of 34-feet between the standard parking spaces.
22. The subdivider shall comply with all recommendations and requirements as identified in the August 26, 1994 traffic study for this project. All recommendations and requirements shall be installed and/or provided in a manner satisfactory to the City Engineer.
23. The subdivider shall provide the following improvements for the intersection of Scripps Poway Parkway and Driveway "A"
 - a. Installation of a dual left-turn lane for westbound Scripps Poway Parkway to southbound Driveway "A". (Scripps Summit Drive vacated.)
 - b. Traffic signal modifications as necessary.
 - c. Dedicate additional right-of-way as necessary.
 - d. Median modification and relocation of curb, gutter and sidewalk as necessary.
24. At the intersection of Scripps Poway Parkway and Spring Canyon Road the subdivider shall dedicate additional right-of-way and construct a right-turn lane on eastbound Scripps Poway Parkway and modify the traffic signal, as necessary, satisfactory to the City Engineer.
25. The subdivider shall construct a traffic signal at Spring Canyon Road and North Brookville Drive and shall provide appropriate interconnection with the traffic signal at Scripps Poway Parkway and Spring Canyon Road.

26. Scripps Poway Parkway is classified as a six-lane prime arterial adjacent to this subdivision. The subdivider shall dedicate additional right-of-way to provide for the acceleration/deceleration lane and provide pavement, curb, gutter and sidewalk within a minimum 10-foot curb-to-propertyline distance and the relocation of all facilities.

Right turns in/out for the westerly driveway are permitted. The easterly driveway shall be designed for right turns in only and the subdivider shall maintain appropriate striping and signage on-site designating the driveway as entrance only.

27. The applicant shall grant a 15-foot right-of-way curb-to-propertyline along Scripps Poway Parkway, trees shall be located at least 7 feet from the curblines, the applicant shall assure maintenance of the landscaping and the 5-foot wide sidewalk shall be 10 feet from the curblines.

28. Parcels created for entry monuments are not building sites and shall be designated as such on the final map, and shall be owned and maintained by the property owners association.

29. Water Requirements:

- a. The subdivider shall install a looping system of water mains, satisfactory to the Water Utilities Director, necessary to serve this development.
- b. The subdivider shall install fire hydrants at location satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units are located on a dead-end main then a looped system shall be installed.

30. Sewer Requirements:

- a. The subdivider shall install a gravity sewer system, satisfactory to the Water Utilities Director.
- b. The subdivider shall provide calculations for the sizing of gravity sewer mains and to show that the proposed facilities will provide adequate capacity and have cleansing velocities.

31. Water and Sewer Requirements:

- a. The subdivider shall design all water and sewer facilities to the most current edition of the Water Utilities Department's Water & Sewer Design Guide. If facilities do not meet the current standards, then such facilities shall be private.
- b. The subdivider shall provide evidence, satisfactory to the Water Utilities Director, indicating that each parcel will have its own water service and sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water and

sewer mains that serve more than one lot. Also, provide private easements for the private mains.

- c. The subdivider shall provide adequate easements (minimum 24-foot wide) for all public water and sewer facilities which are located outside of public right-of-way, satisfactory to the Water Utilities Director. Vehicular access easements shall be provided to all water and sewer appurtenances (manholes, blowoffs, air valves, cleanouts, gate and butterfly valves, meters, etc.) No structures of any kind shall be built in or over the easements without first obtaining encroachment removal agreements.
32. The drainage system proposed for this development, as shown on the vesting tentative parcel map and site plan, is subject to approval by the City Engineer.
33. 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.

34. Open space easement on Lot A, granted by Map 12788 - Scripps Ranch North Unit 2, shall be abandoned on that portion north and east of the proposed retaining wall. The fair market value of the easement to be abandoned shall be established by the Real Estate Assets Department.

The construction of the retaining wall requires access to Lot "A" and 7 of Map 12788. The subdivider shall obtain a Right of Entry Permit and an encroachment removal agreement for wall anchors, satisfactory to the Open Space Division of the Park and Recreation Department and the City Engineer.

The remaining open space easement over Lot "A" of Map 12788 shall remain in full force and effect undisturbed and no grading or landscaping shall be permitted without the approval of the Open Space Division of the Park and Recreation Department.

35. This subdivision is in a community plan area designated in the General Plan as Planned

Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Planning Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

36. This vesting tentative parcel map is a vesting tentative parcel map. As such, the subdivider shall pay an additional \$300 fee to the Engineering & Development Department for each final map processed in connection with this vesting tentative parcel map.

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 vesting tentative parcel map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- 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 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 vesting tentative parcel 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 vesting tentative parcel map govern.