

(R-98-87)

RESOLUTION NUMBER R-288964

ADOPTED ON JULY 15, 1997

WHEREAS, Miramar Ranch North, a California General Partnership, Applicant, and Craig, Bulthuis & Stelmar, Engineer, filed an application for a 188 lot tentative map, located between Cypress Canyon Road and Spring Canyon Road easterly of Blue Cypress Drive, and described as a portion of the Northwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 2 West, SBM, Lot 23 and a portion of Lot "F" of Scripps Ranch North Unit 10, Map 13206, in the Miramar Ranch North Community Plan area, in the A-1-10, R1-5000, and Hillside Review (HR) Overlay (proposed R1-5000 and HR) Zones; and

WHEREAS, on May 29, 1997, the Planning Commission of The City of San Diego (the "Planning Commission") recommended approval of Tentative Map No. 96-0315; and

WHEREAS, the matter was set for public hearing on July 15, 1997, 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 Tentative Map No. 96-0315:

1. The map proposes the subdivision of a 51.13-acre site into 188 lots for residential development (180 residential lots, 7 open space lots, and 1 nonbuildable lot). This type of development is consistent with the General Plan and the Miramar Ranch 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 and development regulations of the R1-5000 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 Residential Development (PRD) Permit.

b. All lots meet the minimum dimension requirements of the R1-5000 zone, 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 PRD Permit No. 96-0315.

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 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 will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Mitigated Negative Declaration LDR No. 96-0315 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.

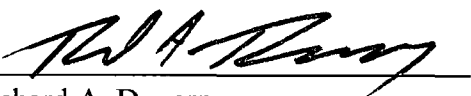
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 96-0315 is hereby granted to Miramar Ranch North, a

California General Partnership, Applicant, and Craig, Bulthuis & Stelmar, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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08/12/97
Or.Dept:Clerk
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Conditions to Tentative Map 96-0315

1. This tentative map will become effective on the effective date of the associated rezone and will expire three years thereafter. If the rezone or the street vacation is denied then this tentative map shall be deemed denied.
2. The final map shall conform to the provisions of Planned Residential Development Permit No. 96-0315.
3. 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.
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 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.

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. 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.
8. 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.).

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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. Under grounding 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. This tentative map is re-subdividing a portion of Scripps Ranch North No. 10. Concurrently with the City Council approval of the first final map, the subdivider shall amend the Subdivision Improvement Agreement, documents and drawings, as necessary, for Scripps Ranch North Unit No. 10, Map 13206 and Cypress Canyon construction drawing 26247-D.
16. Driveways shall be of sufficient depth and width to provide storage for two standard-size vehicles without encroaching into the sidewalk area.
17. Prior to the recordation of the first final map, the subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping and appurtenances within the City right-of-way, adjacent to this subdivision until a landscape maintenance district, property owner's association or other such mechanism is established and assumes maintenance responsibility, satisfactory to the City Engineer.

The subdivider shall obtain an Encroachment Removal Agreement for all landscape, and appurtenances thereto, within the City right-of-way.
18. The landscape and brush management shall be in accordance with the Landscape Technical Manual.

19. The final map shall comply with the provisions and requirements in any development agreements applicable to this subdivision, satisfactory to the City Engineer and Development Services Manager.
20. The subdivider shall construct pedestrian ramps at all street intersections.
21. Providing streets for this subdivision is dependent upon the prior construction of certain streets in previously approved subdivisions in this area. If they have not been and constructed when required for this subdivision, then the construction of certain portions of these previously approved streets, as required by the City Engineer, will become off-site dedication and improvement requirements for this subdivision.
22. Cypress Canyon Road adjacent to the subdivision classified as a two-lane collector. The subdivider shall dedicate a right-of-way width of 38 feet from the easterly line of Lot 28 to the easterly subdivision boundary and shall provide a minimum of 28 feet of pavement. The subdivider shall provide curb, gutter, four foot-wide sidewalk within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

In addition the subdivider shall be responsible for the improvements to Cypress Canyon Road adjacent to this subdivision to accommodate their development.

Cypress Canyon Road shall be at the same grade and alignment as shown on the approved Rancho La Cresta VTM 88-0767.

23. Street "A" (from Cypress Canyon Road to Street "B") is classified as a residential street. The subdivider shall dedicate a maximum 64-foot right-of-way and shall provide a minimum of 44 feet of pavement, curb, gutter, 4-foot sidewalk within a 10-foot curb-to-propertyline distance. This segment of street shall be striped, satisfactory to the City Engineer.
24. Streets "A" (from Street "B", easterly to the end of the cul-de-sac), "B" (between Streets "A" and "C"), "C", "E", "F", "G" and "H" are classified as residential streets. The subdivider shall dedicate 56 foot-wide rights-of-way and shall provide 36 feet of pavement, curb, gutter, four-foot-wide sidewalks within a ten-foot curb-to-property-line distance, satisfactory to the City Engineer.

For the cull-de-sac at the end of Street "A" the subdivider shall dedicate a 58 foot right-of-way radius and provide a 48-foot curb radius. All remaining cull-de-sacs shall have a 45-foot right-of-way radius and a curb radius of 35 feet.

The subdivider is proposing to construct a crib wall at the end of the cul-de-sac of Street "A". The wall and the footing shall be located outside of the City right-of-way. The subdivider shall construct a guard rail and appropriate safety devices. The location of the crib wall in relation to the existing drainage pattern will require a special drainage design, subject to the City Engineer's approval.

25. Streets "C" (east of Street "D") and "D" are classified as residential streets. The subdivider shall dedicate a 47-foot right-of-way and provide 32 feet of pavement, curb, gutter and a 4-foot wide sidewalk, within a 10-foot curb-to-propertyline distance,

adjacent to the loaded side of the street and a 5-foot curb-to-propertyline distance on the non-loaded side of the street.

26. Water Requirements:

- a. If this development exceeds the development thresholds identified in the accepted *Addendum No. 3 Water Supply System Update* dated October 1994 by John Powell & Associates, then the subdivider shall construct the Scripps Poway Parkway Pump Station (SPPPS) in accordance with the accepted *Ten Percent Design Report for the Scripps Poway Parkway Pump Station 890 Zone* dated November 15, 1995 by Wilson Engineering and any subsequently approved SPPPS public improvement plans, satisfactory to the Water Department Manager.
- b. If the subdivider constructs the SPPPS, then this development will be exempt from its pro rata share of the Future Facilities charge payable under the Miramar Ranch North Water Reimbursement Agreement.
- c. Prior to the preparation of any public improvement drawings, the subdivider shall provide a water study satisfactory to the Water Department Manager. The study shall plan the pressure zone(s) necessary to serve this development, including pressure regulating stations.
- d. The subdivider shall install all facilities required in the accepted water study necessary to serve this development. Water facilities, as shown on the approved tentative map, may require modification based on the accepted water study.
- e. 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) dwelling units are located on a dead-end main then a looped system shall be installed.

27. Sewer Requirements:

- a. Prior to the preparation of any public improvement drawings, the subdivider shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, 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 accepted sewer study, necessary to serve this development. Sewer facilities, as shown on the approved tentative map, may require modification base on the accepted sewer study.

28. Water and Sewer Requirements:

- a. The subdivider shall design all water and sewer facilities to the most current edition of the *City of San Diego 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 and Metropolitan Wastewater Departments' Managers, indicating that each lot 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 grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.
 - d. Providing water and sewer for this development is dependent upon prior construction of certain water and sewer facilities in previously approved developments 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 facilities, as required by the City Engineer, will become off-site improvements required for this development.
29. The drainage system proposed for this subdivision, as shown on the approved tentative map, is subject to approval by the City Engineer.
 30. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
 31. 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 acknowledgment 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.

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32. Portions of the project are located in the floodplain of Cypress Canyon Creek, as delineated on Panel 82 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA). In connection with approval of this tentative map:
- a. The subdivider shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
 - b. Any development within the floodplain fringe area will require the property to either be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
 - c. The subdivider shall grant flowage and/or drainage easements, satisfactory to the City Engineer, over the property within the floodway.
 - d. The developer shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
 - e. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
 - f. No permits shall be issued for grading or other work in the floodplain of Cypress Canyon Creek until the developer obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego's Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - g. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
 - m. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects will notify the Development Services of such issuance as soon as it is informed by FEMA.
 - h. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.
33. Open Space Requirements:

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- a. The grading shown in the City park, abutting to the south, is approved in concept only. No final map shall be recorded and no advance grading permit shall be issued until detailed plans showing the park improvements have been approved by the Park and Recreation Director. The maintenance of said improvements, shall be by agreement with the City, and performed by the Homeowners Association. The park site shall be available to the general public at all times. An encroachment removal agreement and right of entry permit is required.
 - b. Lots A & B shall have a negative open space easement for brush management and shall be owned and maintained by the Homeowners' Association.
34. The subdivider shall comply with the Mitigation Monitoring and Reporting Program as specified in Environmental Impact Report No. 96-0315, satisfactory to the Development Services Manager and the City Engineer, which is included herein by this reference.
 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 Development Services Department. 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.

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