

RESOLUTION NUMBER R-295384

ADOPTED ON AUGUST 7, 2001

WHEREAS, Shea Properties, Applicant, and Rick Engineering, Engineer, submitted an application to the City of San Diego for a two parcel tentative parcel map (Tentative Map No. 99-1341 for the Scripps Gateway Freeway Center project), located north of Scripps Poway Parkway and east of Interstate 15, and legally described as Lot 2 of Map No. 14063, in the Miramar Ranch North Community Plan area, in the CC-1-3 zone (previously referred to as the CA zone); and

WHEREAS, on December 7, 2000, the Planning Commission of the City of San Diego considered Tentative Map No. 99-1341, and pursuant to Resolution No. 3061-PC voted to deny the permit; and

WHEREAS, Schulman, Hecht, Solberg, Robinson & Goldberg, LLP, attorneys for the applicant, appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, on February 13, 2001, the City Council considered the matter, and sustained the decision of the Planning Commission by denying the permit; and

WHEREAS, on July 24, 2001, the Council of the City of San Diego considered and approved a motion to waive the permanent rules of the Council and a motion for reconsideration of the denial of the permit which was part of a proposed settlement to pending litigation; and

WHEREAS, the matter was set for public hearing on August 7, 2001, 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. 99-1341:

1. The map proposes the subdivision of a 1.47-acre site into two parcels for commercial development. This type of development is consistent with the City of San Diego's Progress Guide and 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 and development regulations of the CC-1-3 zone (previously referred to as CA zone) in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Planned Commercial Development/Conditional Use Permit [PCD/CUP].

b. All lots meet the minimum dimension requirements of the CC-1-3 zone (previously referred to as the CA zone), as allowed under a PCD/CUP 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, as allowed under a PCD/CUP permit.

d. Development of the site is controlled by Planned Commercial Development/Conditional Use Permit No. 99-1341.

3. The design and proposed improvements for the subdivision are consistent with California Government Code 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 unavoidably injure fish or wildlife or their habitat based upon the findings of Addendum No. 99-1341 to Environmental Impact Report No. 92-0466, 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.

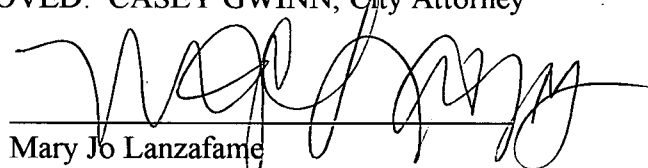
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

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 appeal of Schulman, Hecht, Solberg, Robinson & Goldberg, LLP, attorneys for the applicant, is granted; the decision of the Planning Commission is overruled; and Tentative Map No. 99-1341 is granted to Shea Properties, Applicant, and Rick Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL/mdw/lc

09/25/01

Or.Dept:Clerk

R-2002-409

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Reviewed by John Fisher

CITY COUNCIL CONDITIONS TO TENTATIVE MAP NO. 99-1341
SCRIPPS GATEWAY FREEWAY CENTER
ADOPTED BY RESOLUTION NO. R-295384 ON AUGUST 7, 2001

1. This tentative map will expire August 7, 2004.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to recording the parcel map, unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within ninety days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The final map shall conform to the provisions of Planned Commercial Development/Conditional Use Permit No. 99-1341.
5. 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. 769830.

6. "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).
7. "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."
8. The Parcel 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.

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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.
9. 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 U.S.C. § 1531 *et seq.*).
10. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code section 102.0404(2).
11. A new geotechnical report shall be prepared for the new precise grading plan in accordance with the City's Technical Guidelines for Geotechnical Reports. The report shall address all as-graded conditions and provide recommendations for the proposed additional grading and structures. If a settlement monitoring program is recommended, a note must be added to the new precise grading plan and the locations shown on the final As-Graded plans.
12. The new grading plan shall include the locations and suitable outlets for all geotechnical subdrains and backdrains constructed during the mass grading per Drawing No. 29646-D, W.O. 98-0957.
13. The new grading plan shall show the type of wall (i.e., Keystone Wall) constructed along the northern boundary during the mass grading per Drawing No. 29646-D, W.O. 98-0957.
14. All driveways and curb openings shall comply with The City of San Diego Standard Drawing G-14, G-16, & SDG-100.
15. The subdivider shall construct a traffic signal at the intersection of Scripps Poway Parkway and Scripps Highland Drive, satisfactory to the City Engineer.

16. 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 or "joint-use agreements" for major transmission facilities.
17. Scripps Highland Drive is classified as a four lane collector. The subdivider shall dedicate a 92 foot wide right-of-way and a cul-de-sac with a 65 foot right-of-way radius and shall provide 72 feet of pavement, curb, gutter, and a 5-foot-wide non-contiguous sidewalk within a ten foot curb-to-property line distance and a cul-de-sac with a 55 foot curb radius. The subdivider shall also grant a 5-foot-wide general utility easement around Scripps Highlands Drive, all satisfactory to the City Engineer.
18. The drainage system proposed for this subdivision and Planned Commercial Development Permit , as shown on the approved Tentative Parcel Map, is subject to approval by the City Engineer.
19. The subdivider shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this Tentative Map and Planned Commercial Development. All grading shall conform to requirements in accordance with the San Diego Municipal Code in a manner satisfactory to the City Engineer.
20. 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 approved 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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21. The subdivider shall comply with the Mitigation Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report, LDR No. 92-0466, SCH No. 92101036 for traffic, satisfactory to the City Engineer.

22. **WATER REQUIREMENTS:**

- a. The subdivider shall design and construct a system of 12-inch water mains connecting to 712 HGL water facilities in Scripps Highlands Drive and Scripps Poway Parkway in a manner satisfactory to the Director of the Water Department and the City Engineer.
- b. The subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants are located on a dead-end main then the subdivider shall install a redundant water system satisfactory to the Director of the Water Department.
- c. The subdivider shall construct the Scripps Poway Parkway Water Pump Station, in a manner satisfactory to the Director of the Water Department and the City Engineer.
- d. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guides. Proposed facilities that do not meet the current standards shall be redesigned. Existing public water facilities, including easements, to which this development proposes connections, must be brought up to current standards.
- e. The subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department and the City Engineer. The minimum easement widths for water mains with services or fire hydrants is 24-feet, fully paved. No structures or landscaping shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any easement utilized for vehicular access.
- f. The subdivider shall provide evidence, satisfactory to the Director of the Water Department indicating that each lot will have its own water service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private water facilities that serve more than one lot.

- g. Providing water for this development is dependent upon prior construction of certain water 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 facilities, as required by the City Engineer and the Director of the Water Department will become off-site improvements required for this development.

23. **SEWER REQUIREMENTS:**

- a. Prior to the submittal of any public improvement drawings, including grading plans the developer shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of public gravity sewer mains and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
- b. The developer shall install all facilities, as required by the accepted sewer study, necessary to serve the proposed development. Sewer facilities, as shown on the approved tentative map, will require modification based on the accepted sewer study.
- c. The developer shall design all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
- d. The developer shall grant adequate sewer or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. The minimum easement width for sewer mains with manholes is 20 feet. The easements shall be located within single lots. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 foot wide and paved full width. An additional 5 feet width per additional utility is required for easements carrying more than one utility.
- e. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.

- f. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
 - g. The developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer mains that serve more than one lot.
 - h. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego Sewer Design Guide.
 - i. Prior to the submittal of any public improvement drawings including grading plans, the developer shall submit a sewer study satisfactory to the Director of the Metropolitan Wastewater Department for the sizing, grade and alignment of private sewer facilities, including sewer laterals to the property line, that serve more than one lot.
24. The subdivider shall submit complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location shall have a forty square foot area unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed to allow placement of street trees. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated August 7, 2001, on file in the Development Services Department.
25. The subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Technical Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Landscape Concept Plan, Exhibit "A," dated August 7, 2001, on file in the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
26. The subdivider shall identify on a separate sheet titled Non-title Sheet the brush management areas in substantial conformance with Exhibit "A," dated August 7, 2001, on file in the Development Services Department. These brush management

areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the Non-title sheet to identify the hatched areas: "Indicates fire hazard reduction zone per Section 6 of the City of San Diego Landscape Technical Manual approved by the City Manager on March 16, 1989 as Resolution No. 0480-PC, and approved by the City Council on October 3, 1989 as Resolution No. 274506, and any other building code regulations."

27. The subdivider shall enter into a bonded landscape maintenance agreement, agreeing to maintain all landscaping and appurtenance thereto, within the City right-of-way, until maintenance is assumed by the Miramar Ranch North Landscape Maintenance District.
28. 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.

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 impact fees, as established by the City Council, at the time of issuance of building permits.
- 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.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.