

(R-2006-945) 3336
7-18-06

RESOLUTION NUMBER R- 301668
DATE OF FINAL PASSAGE JUL 18 2006

WHEREAS, BMR Investors, LTD; Horseshoe Investors, LTD; and Penasquitos West, LTD, Owners/Permittees, filed an application with the City of San Diego for a 3-year extension of time for the Fairbanks Country Villas project [Project], approved by City Council on September 24, 2002, the 92.72-acre site located north of Torrey Meadows Drive and State Route 56, south of Carmel Valley Road, east of Torrey Del Mar and west of Camino Del Sur on both sides of McGonigle Canyon, legally described as Parcel 2 of Parcel Map No. 14768, filed in April 21, 1987; Parcel 2 of Parcel Map No. 8133, filed December 6, 1978; and Parcel 3 of Parcel Map No. 6902 in the Torrey Highlands Subarea IV Plan area, in the AR-1-1 (formerly A-1-10) zone which is proposed to be rezoned to the RS-1-14 zone and OC-1-1 zone; and

WHEREAS, on March 16, 2006, the Planning Commission of the City of San Diego considered Fairbanks Country Villas Extension of Time for the Fairbanks Country Villas project, and pursuant to Resolution No. 3969-PC voted to recommend approval of the Fairbanks Country Villas Extension of Time; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUL 18 2006, 2006, 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 it adopts the following findings with respect to Fairbanks Country Villas Extension of Time project:

**A. EXTENSION OF TIME - SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 126.0111**

1. New conditions are necessary to protect the health or safety of the residents of the development or the immediate community. The new additional conditions (see Conditions for Extension of Time attached hereto as Exhibit A) implementing Storm Water Standards would protect and improve the water quality of the residents and immediate community. These measures would reduce and prevent pollutants from reaching our recreational waters via the City's storm water conveyance system. These requirements are necessary as a result of federal and state regulations to protect water quality.

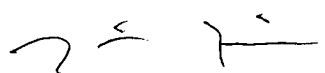
2. New conditions are necessary to comply with applicable state or federal law. The new additional conditions (see Conditions for Extension of Time attached hereto as Exhibit A) are directly related to the City's adoption of Storm Water Standards in 2002. The Storm Water Standards were adopted as a direct result of the state mandate through the Regional Water Quality Control Board to address storm water quality. The state mandate implements the requirements of the Federal Water Pollution Control Act and the National Pollutant Discharge Elimination System to control storm water pollution as required by federal regulation.

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

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Extension of Time is granted to BMR Investors, LTD; Horseshoe Investors, LTD; and Penasquitos West, LTD, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain-Newman
Deputy City Attorney

NMF:als
05/11/06
Or.Dept:DSD
R-2006-945
MMS#3268

EXHIBIT A

CONDITIONS FOR EXTENSION OF TIME

FAIRBANKS COUNTRY VILLAS - PROJECT NO. 85150

ADOPTED BY RESOLUTION NO. R-~~301668~~ CON JUL 18 2006

STORMWATER

1. The Subdivider shall submit a Water Quality Technical Report [WQTR], prepared by a licensed civil engineer. The report shall be in accordance with the City's Storm Water Standards manual, revised May 30, 2003. The WQTR shall include a current, signed Storm Water Requirements Applicability C.
2. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices [BMP's] on the final construction drawings, consistent with the approved Water Quality Technical Report.
3. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
4. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
5. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

R- 301668

JUL 18 2006

Passed by the Council of The City of San Diego on _____, by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|-------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Scott Peters | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Toni Atkins | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Brian Maienschein | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Donna Frye | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Madaffer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ben Hueso | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

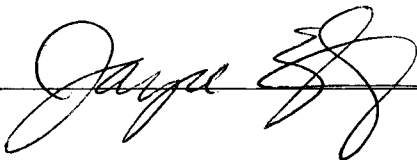
Date of final passage JUL 18 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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