

RESOLUTION NUMBER R-302114

DATE OF FINAL PASSAGE NOVEMBER 21, 2006

WHEREAS, Pacifica Reo, LLC, Owner/Permittee, filed an application with the City of San Diego for a site development permit to grade a proposed parcel lot and create a developable pad known as the Marianopolis Way project, located at 14305 Marianopolis Way, and legally described as Lot 363 of Penasquitos Bluffs East Unit No. 2, Map 11193, filed in the Office of the County Recorder of San Diego County, April 12, 1985, in the Rancho Penasquitos Community Plan area, in the RS-1-14 zone; and

WHEREAS, on January 12, 2006, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 7654, and pursuant to Resolution No. 4133-PC voted to deny the Permit; and

WHEREAS, Don Ayles, ERB Engineering, Inc. appealed the Planning Commission decision to the Council of the City of San Diego; 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 November 21, 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 Site Development Permit No. 7654:

**A. SITE DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The proposed project is located in the existing developed Penasquitos Bluffs East Unit 2 Subdivision within the Rancho Penasquitos Community Planning area. The existing development was constructed in the mid-to-late 1980's with similar residential units. The proposed development is not consistent with the Penasquitos Bluffs East Unit 2 Subdivision.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is located at the bottom of an existing manufactured steep hillside. The proposed grading of the site would have an impact on surrounding developed residential lots and will adversely affect public health, safety, and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code.** The project is consistent with the applicable ordinance provisions of the San Diego Municipal Code's Land Development Code [LDC] and no deviation from the development regulations are required for the project implementation. The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the LDC.

**2. Supplemental Findings – Environmentally Sensitive Lands**

**a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The 0.832-acre project site was previously graded for the Penasquitos Bluffs East, Unit 2 subdivision. During the grading, a manufactured steep slope was created along the eastern portion of the project site. The slope was then hydro-seeded with a mixture of native (coastal sage scrub) and non-native habitat for erosion control. The proposed Parcel 1 area is undeveloped and contains disturbed sensitive vegetation (coastal sage scrub habitat). The westerly portion of Parcel 1 gently slopes toward the southwest with elevations ranging from 585 feet and eastward to 650 feet mean sea level [MSL]. Parcel 2, which contains an existing single-family residence, is relatively flat with westerly elevation of about 580 feet MSL and also easterly elevated to 660 MSL.

The proposed grading would impact approximately 0.095 acres of disturbed coastal sage scrub and 0.083 acres of disturbed habitat. Impacts totaling less than 0.10-acre of upland and disturbed ornamental vegetation are not considered significant pursuant to the City's Biology Guidelines. Therefore, no significant impacts to biological resources would be anticipated by the proposed grading and no mitigation will be required.

The design and layout of the proposed project has been developed to conform, to the extent possible, with the existing landforms and to avoid environmentally sensitive lands. The project site is not located within nor is it adjacent to the City's Multiple Species Conservation Program [MSCP] Multi-Habitat Planning Area [MHPA]. Development of the proposed project is designed to encompass the relatively flat and gently sloping westerly portions of the site and has minimized impacts to the easterly steep slope of the site.

**b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The proposed development is located at the bottom of an existing manufactured steep hillside. The proposed grading of the site would have an impact on surrounding developed residential lots. As such the proposed development will not minimize the alteration of the existing landforms and will result in undue risk from geologic and erosional forces.

**c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** When adopted, the Rancho Penasquitos Community Plan analyzed environmentally sensitive lands within the plan area per City Council Policy 600-40. The proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations. The proposed project site is surrounded by residential land uses and is not located within nor is it adjacent to the City's MSCP MHPA or properties containing environmentally sensitive lands. Therefore, the proposed development has been sited and designed to prevent adverse impacts on adjacent lands and is consistent with the requirements of the Environmentally Sensitive Lands regulations.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The proposed project will be consistent with the Environmentally Sensitive Lands regulations. The project site is not within or adjacent to the City's MHPA for the MSCP. The proposed grading would impact approximately 0.095 acres of disturbed coastal sage scrub and 0.083 acres of disturbed habitat. Impacts totaling less than 0.10-acre of upland and disturbed ornamental vegetation are not considered significant pursuant to the City's Biology Guidelines. Therefore, no significant impacts to biological resources would be anticipated by the proposed grading and no mitigation would be required. The proposed project will be consistent with the City's MSCP Subarea Plan.

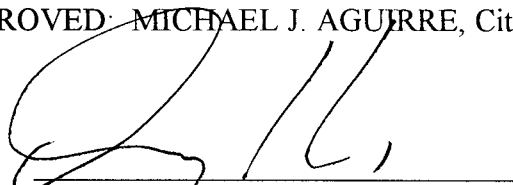
**e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed development is located approximately ten miles east of the Pacific Ocean's beaches and local shoreline. The on-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply in that all current water quality and erosion control measures will be required of the project during construction and post-construction. All drainage will be directed to the existing public storm drain system and to the extent possible will substantially decrease the potential for downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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

BE IT FURTHER RESOLVED, that the appeal of Don Ayles, ERB Engineering, Inc. is denied; the decision of the Planning Commission is sustained; and Site Development Permit No. 7654 is denied.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
11/28/06  
Or.Dept:Clerk  
R-2007-628  
MMS #4091

NOV 21 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 type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

NOV 21 2006

Date of final passage \_\_\_\_\_

AUTHENTICATED BY:

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

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

(Seal)

By *Debbie Swanson-Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-302114