

RESOLUTION NUMBER R-302115

DATE OF FINAL PASSAGE NOVEMBER 21, 2006

WHEREAS, Pacifica Reo, Inc., Applicant/Subdivider, and ERB Engineering, Inc., Engineer, submitted an application to the City of San Diego for a 2-lot tentative map (Tentative Map No. 7652) for the 2-lot subdivision of the existing 0.832-acre parcel lot for the Marianopolis Way project [Project], located east of Black Mountain Road, north of Oviedo Street at 14305 Marianopolis Way, and legally described as Lot 363 of Penasquitos Bluffs East Unit No. 2, Map 193, 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-1-7 zone; and

WHEREAS, the Map proposes the subdivision of a 0.832-acre site into two parcels for residential development (one existing residential unit and one proposed residential unit); and

WHEREAS, on January 12, 2006, the Planning Commission of the City of San Diego considered Tentative Map No. 7652, and pursuant to Resolution No. 4133-PC voted to deny the Map; and

WHEREAS, Don Ayles, ERB Engineering, Inc. appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; 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 Tentative Map No. 7652:

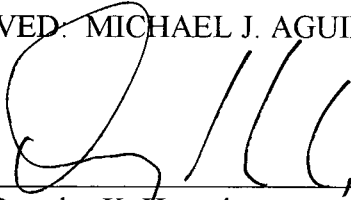
1. The proposed subdivision and its design or improvement are not consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision does not comply with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is not physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC Section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

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 Don Ayles, ERB Engineering, Inc. is denied, the decision of the Planning Commission is sustained, and Tentative Map No. 7652 is denied.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
11/28/06
Or.Dept:Clerk
R-2006-629
MMS #4091

Passed by the Council of The City of San Diego on NOV 21 2006, 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"/>

Date of final passage NOV 21 2006

AUTHENTICATED BY:

(Seal)

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

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

By *Debbie Swenson Cruz*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number 302115