

RESOLUTION NUMBER R- 310542

DATE OF FINAL PASSAGE JUN 20 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING AN APPEAL OF A PROCESS TWO APPROVAL OF AN EXTENSION OF TIME FOR VESTING TENTATIVE MAP NO. 545092 AND SITE DEVELOPMENT PERMIT NO. 545091 AND PLANNED DEVELOPMENT PERMIT NO. 545089 FOR THE WINNETT HOMES PROJECT (PROJECT NO. 462056).

WHEREAS, on March 10, 2011, the Planning Commission approved Vesting Tentative Map No. 545092 (VTM), Site Development Permit No. 545091 (SDP) and Planned Development Permit No. 545089 (PDP) for the Winnett Homes Project, with an expiration date of March 10, 2014; and

WHEREAS, Subdivision Map Act section 66452.24 automatically extended the VTM, SDP, and PDP expiration twenty-four months to March 10, 2016, as recognized in San Diego Municipal Code sections 126.0111(a)(2) and 125.0461(a)); and

WHEREAS, San Diego Municipal Code sections 126.0111(a)(2) and 125.0461(a) provide for an additional extension of time for a tentative map and associated development permits for an additional 72 months beyond expiration, pursuant to Process Two; and

WHEREAS, San Diego Municipal Code section 125.0461(a)(3) provides that an extension of time may only be conditioned or denied where either of the following findings are made: the extension creates a danger to health and safety for the residents of the subdivision or the immediate community, or there exist new requirements of state or federal law; and

WHEREAS, on December 15, 2015, Roger Punongbayan (Owner) filed an application for an extension of time for the VTM, SDP and PDP; and

WHEREAS, on January 5, 2016, the Development Services Department issued a Notice of Future Decision notifying the public that Development Services Department staff would make a decision regarding the extension of time for the VTM, SDP and PDP; and

WHEREAS, on January 5, 2015, the Encanto Community Planning Group voted to recommend denial of the extension of time; and

WHEREAS, on March 23, 2016, the Development Services Department approved the extension of time for the VTM, SDP and PDP, on the condition that the project comply with the 2013 Municipal Separate Storm Sewer Systems (MS4) permit, which is a requirement of state law adopted after the project was approved in 2011; and

WHEREAS, on March 4, 2016, an Appeal was filed by William Daniel Bannister, Sharon Noda, William Monahan, Michele Lagoy, Laurel Arriza, Becky Wilder, Connie Wilder, Marcia Cesena, Doris Charles and Lola Oleary (Appellants) alleging that: (1) the original permits should have expired in three years, the extension of time was granted two years after the original expiration date, and an extension would make the permit valid for seven years and therefore unfair; (2) the Development Services Department approved the extension of time despite the Planning Group recommendation that the extension be denied; and

WHEREAS, any change to the approved plans would require an amendment to the VTM and/or SDP, PDP; and

WHEREAS, community planning group recommendations are advisory; and

WHEREAS, Mitigated Negative Declaration No. 153825 (MND) for the VTM, SDP, and PDP was adopted by the Planning Commission on March 10, 2011, and no new impacts or increase in the severity of a previously identified impact would occur with approval of the

extension of time for the VTM, SDP and PDP and there is no new information of substantial importance related to the approval of the extension of time for the VTM , SDP, and PDP; and

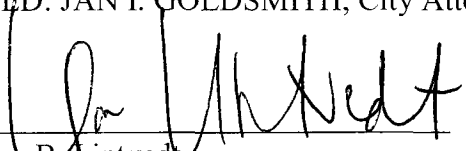
WHEREAS, the matter was set for a public hearing to be conducted by the City Council; and

WHEREAS, the Appeal was heard before the City Council on June 20, 2016; 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Appeal is hereby denied.

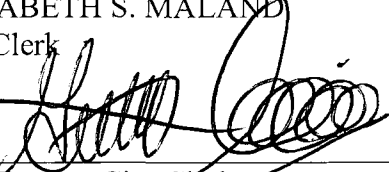
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Inga B. Mintvedt  
Deputy City Attorney

IBL: mm  
June 21, 2016  
Or.Dept: DSD  
Doc. No.: 1307824

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 20 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

~~Approved: \_\_\_\_\_ (date) \_\_\_\_\_ KEVIN L. FAULCONER, Mayor~~  
~~Vetoed. \_\_\_\_\_ (date) \_\_\_\_\_ KEVIN L. FAULCONER, Mayor~~

Passed by the Council of The City of San Diego on JUN 20 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 20 2016.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
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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