

RECOMMENDATIONS

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

Project Manager must complete the following information for the Council docket:

CASE NO.

Project No. 128026 – Old Black Mountain Road Vacation

STAFF'S

Please indicate recommendation for each action. ie: resolution/ ordinance

Adopt the resolution to vacate the portion of Old Black Mountain Ranch Road identified in "exhibits"

PLANNING COMMISSION (list names of Commissioners voting yea or nay)

YEAS:

NAYS:

ABSTAINING:

TO: (list recommendation or action)

N/A

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

No officially recognized community planning group for this area; however, the Rancho Bernardo Community Planning Board and the Rancho Penasquitos Planning Board have reviewed and recommended approval of this project.

By 
Project Manager

08 18 2011

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services Department

3. DATE:
02/01/08

4. SUBJECT:
Old Black Mountain Road Vacation

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Laura C. Black, 446.5112, MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Leslie Goossens, 446.5431, MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.	1300			
ORGANIZATION	1671			
OBJECT ACCOUNT	4038			
JOB ORDER	427709			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	2/6/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	2/7/08
2	EAS	TERESA BURGARDNER	2/5/08	9	COO		
3				10	CITY ATTORNEY		
4	CFO			11	ORIG. DEPT	MIKE WESTLAKE	2/7/08
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Council resolution approving Public Right-of-Way Vacation No. 440346.

11A. STAFF RECOMMENDATIONS:

Approve the Resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): BLACK MOUNTAIN RANCH

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS DETERMINED THE PROJECT TO BE EXEMPT PURSUANT TO SECTION 15305, MINOR ALTERATION IN LAND USE

HOUSING IMPACT: NONE

INSTRUCTIONS TO THE CITY CLERK:

- PUBLIC NOTICING IS REQUIRED.
- RETURN COPIES OF RESOLUTION TO LAURA C. BLACK, MS 501 AND THE ORIGINAL MAP EXHIBIT.
- COUNCIL ACTION REQUIRES MAJORITY VOTE AND IS NOT SUBJECT TO VETO BY THE MAYOR.
- THE VACATION IS BEING PROCESSED IN ACCORDANCE WITH SDMC SECTION 125.0901.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

REPORT NO.:

ATTENTION: Council President Scott Peters and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: Old Black Mountain Road Vacation, Project No. 128026
COUNCIL DISTRICT(S): One
STAFF CONTACT: Laura C. Black, 619.446.5112, lblack@san Diego.gov

REQUESTED ACTION:

Approval of a public right-of-way vacation for a portion of Old Black Mountain Road south of Zaslavsky Place and north of Camino San Bernardo, within the Black Mountain Ranch Community Planning Area.

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 440346, shown on Drawing No. 20705-1-B and 20705-2-B.

EXECUTIVE SUMMARY:

The public right-of-way vacation would vacate a portion of unimproved Old Black Mountain Road south of Zaslavsky Place and north of Camino San Bernardo, within the Black Mountain Ranch Community Planning Area. The proposed vacation area is in a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 in the AR-1-1 Zone in the Black Mountain Ranch Community Plan, in the City of San Diego, County of San Diego and State of California. Please refer to Exhibit B, Drawing No. 20705-1-B and 20705-2-B. No development is proposed by this application.

Staff has determined that there is no present or prospective public use for the unimproved portion of Old Black Mountain Road. The unimproved street does not contain underground franchise facilities, nor does it contain public water or sewer improvements.

If approved, ownership of the unimproved portion of Old Black Mountain Road would revert to the underlying adjacent property owner. The vacation contains a portion within the County of San Diego. The County of San Diego has already approved their portion of the vacation. The project is a summary vacation in accordance with the California Street and Highway Code and Land Development Code, and does not require a Planning Commission recommendation.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this vacation are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

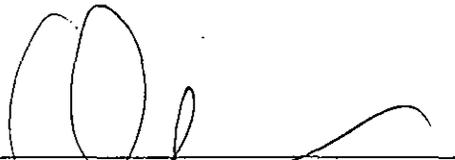
None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 16, 2007, the Rancho Bernardo Community Planning Board voted 16-0 to approve the vacation with no conditions. On October 3, 2007, the Rancho Penasquitos Planning Board voted 9-0-1 to approve the vacation with no conditions.

KEY STAKEHOLDERS:

Poway Unified School District (owner)
Black Mountain Ranch, LLC.



Kelly Broughton
Director, Development Services Department



William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Exhibit A – Legal Description
2. Exhibit B – Drawing No. 20705-1-B and 20705-2-B
3. Vacation Resolution
4. Ownership Disclosure Statement
5. Rancho Bernardo Community Planning Board Minutes from August 16, 2007.
6. Rancho Penasquitos Planning Board Minutes from October 3, 2007.

[Faint, illegible text or stamp at the bottom of the page]

J-13504

EXHIBIT "A"

Legal Description
Portion of Black Mountain Road Vacated

All that portion of Black Mountain Road dedicated per document recorded January 27, 1961 as File No. 15879 Official Records, together with the privilege and right to extend drainage structures and excavation and embankment slopes beyond the limit of said road lying within Parcel 2 of Parcel Map No. 17995 and that portion of Parcel 1 of Parcel Map No. 20146 lying Southerly of Zaslavsky Place as dedicated to the City of San Diego per deed recorded April 24, 2007 as File Page No. 2007-0277331 all in the City of San Diego, County of San Diego, State of California.

Patrick A. McMichael 6-26-2007
Patrick A. McMichael, L.S. 6187



PTS: 128026
J.O.: 427709
Dwg.: 20705-1-2-B

Jb/13504.009

000923

ZASLAVSKY PLACE
DEDICATED TO THE CITY OF
SAN DIEGO PER DEED
REC. APRIL 24, 2007
F/P 2007-0277331 O.R.
(CITY DWG NO. 00124-C)

PCL 1 FM 20146

$\Delta=18^{\circ}30'18''$ R=20.00 L=6.46'

ZASLAVSKY PLACE

$N85^{\circ}00'55''E$ 24.92'

$N12^{\circ}31'13''E$ (R)

LOT 1
MAP 13905

LEGEND

 INDICATES PORTION OF ROAD EASEMENT VACATED - 1.748 ACRES

(R) INDICATES RADIAL BEARING

REFERENCE DRAWING

MAP NO. 17995

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE EASTERLY LINE OF PARCEL 2 OF PARCEL MAP NO. 17995 I.E. $N12^{\circ}07'19''E$

POR. OF PARCEL 1 FM 20146

DEDICATED PER MAP NO. 13905
LONE QUAL ROAD

PARCEL 2

FM 17995

APN 578-230-03

ROAD EASEMENT TO COUNTY OF SAN DIEGO REC. JANUARY 27, 1961 PER FILE NO. 15879 O.R. TOGETHER WITH THE PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMIT OF SAID ROAD

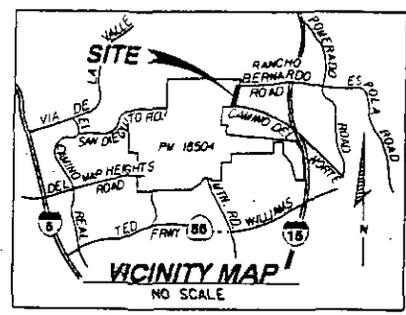
RDS 15433



100 50 0 100
GRAPHIC SCALE 1"= 100'



$N12^{\circ}07'19''E$ 1348.79
 $N12^{\circ}07'19''E$ 1580.70
CITY OF SAN DIEGO
COUNTY OF SAN DIEGO



SEE SHEET 2

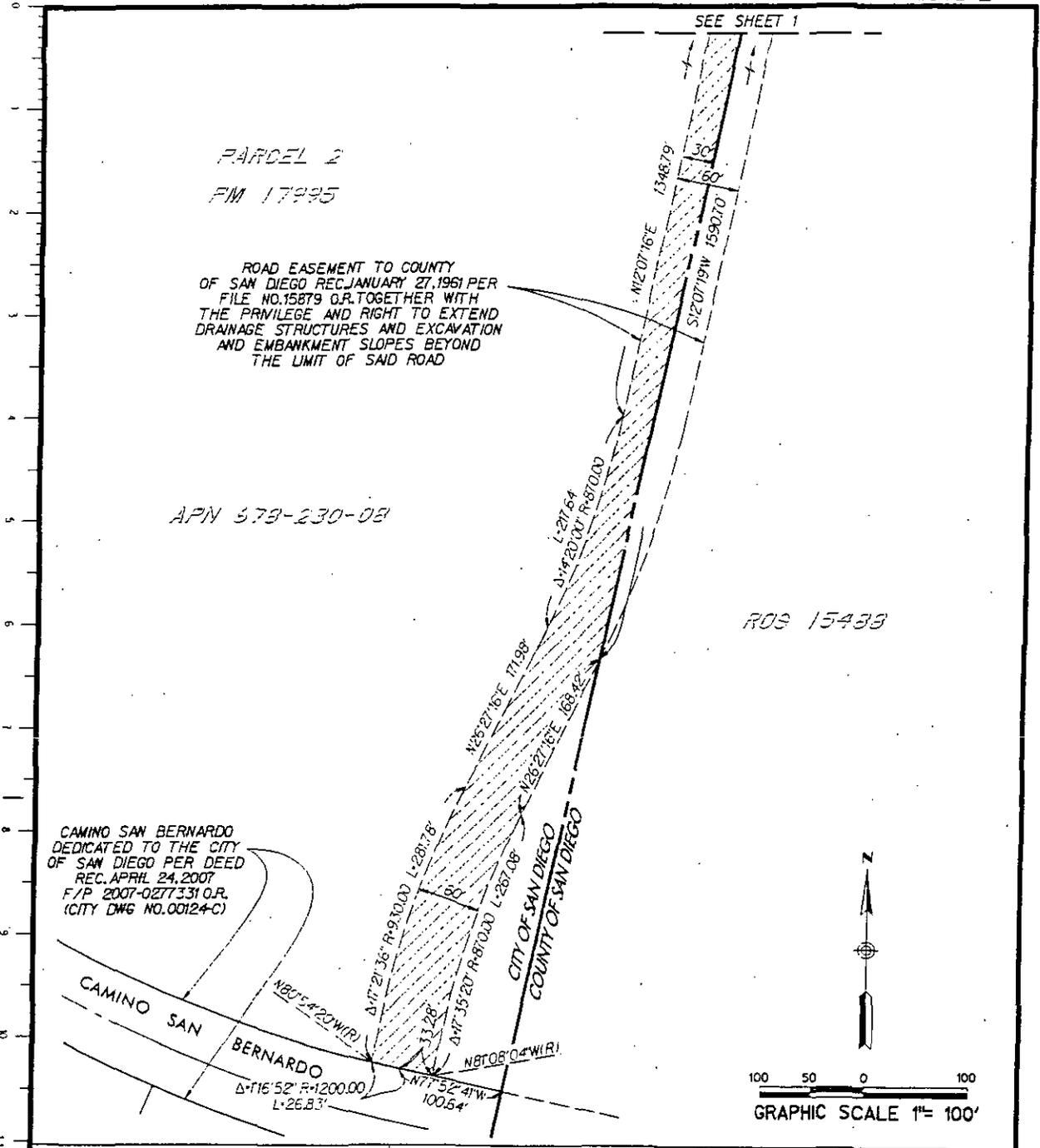
RICK ENGINEERING COMPANY
5620 FRIARS ROAD J. 14888
SAN DIEGO, CA 92110
619.291.0707
(FAX) 619.291.4165

Patrick A. McMichael
PATRICK A. MCMICHAEL, LS 6187
8-15-2007
DATE

**ROAD EASEMENT VACATION
IN A PORTION OF PARCEL 2 OF PARCEL MAP 17995
AND A PORTION OF PARCEL 1 OF PARCEL MAP 20146**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS. 128026
ORIGINAL					SHEET 1 OF 2 SHEETS	J.O. NO. 427709
		JT	2/5/08		<i>Patrick A. McMichael</i>	1948-6291
					FOR CITY ENGINEER	CCS NAD 83 COORDINATES
						308-1731
						LAMBERT COORDINATES
						20705-1-B
					STATUS	

000925



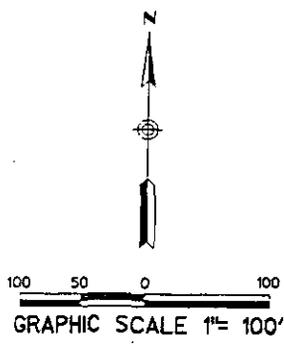
PARCEL 2
 FM 17995

ROAD EASEMENT TO COUNTY
 OF SAN DIEGO REC JANUARY 27, 1961 PER
 FILE NO. 15879 O.R. TOGETHER WITH
 THE PRIVILEGE AND RIGHT TO EXTEND
 DRAINAGE STRUCTURES AND EXCAVATION
 AND EMBANKMENT SLOPES BEYOND
 THE LIMIT OF SAID ROAD

APN 579-230-08

ROS 15488

CAMINO SAN BERNARDO
 DEDICATED TO THE CITY
 OF SAN DIEGO PER DEED
 REC. APRIL 24, 2007
 F/P 2007-0277331 O.R.
 (CITY DWG NO. 00124-C)



RICK ENGINEERING COMPANY
 5620 FRIARS ROAD SAN DIEGO, CA 92110
 J. 14888
 619.291.0707
 (FAX) 619.291.4165

ROAD EASEMENT VACATION
 IN A PORTION OF PARCEL 2 OF PARCEL MAP 17995
 AND A PORTION OF PARCEL 1 OF PARCEL MAP 20146

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS. NO.
ORIGINAL		JT	2/5/08		SHEET 2 OF 2 SHEETS	128026
					<i>[Signature]</i> FOR CITY ENGINEER	427709
					DATE	1948-6291
						CCS NAD 83 COORDINATES
						308-1731
						LAMBERT COORDINATES
						20705-2-B

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement along a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 (Old Black Mountain Road), south of Zaslavsky Place and north of Camino San Bernardo, in the AR-1-1 Zone in the Black Mountain Ranch Community Plan, in the City of San Diego, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public right-of-way easement, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation does not adversely affect and is consistent with the General Plan or an approved Community Plan; and

(d) the public street system for which the right-of-way easement was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the public right-of-way easement located within a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 (Old Black

Mountain Road), south of Zaslavsky Place and north of Camino San Bernardo, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20705-1-B and 20705-2-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the office of the County Recorder.

RECORDED
INDEXED
MAY 14 2007
COUNTY CLERK
SAN BERNARDINO COUNTY



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other ROW Vacation

Project Title: Black Mountain road ROW Vacation
Project No. For City Use Only

Project Address:
Lone Quail and Camino Del Norte, San Diego, CA

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of individual (type or print):
Doug Mann, Poway Unified School District
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
13626 Twin Peaks Road
City/State/Zip:
Poway
Phone No: 858-748-0010 x. 2522 Fax No: (858) 668-2711
Signature: *Doug Mann* Date: 3/27/07

Name of individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Name of individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Name of individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Rancho Bernardo Community Planning Board – August 16, 2007

12578 Oaks North Drive – San Diego, CA 92128

Meeting Minutes Prepared by Fred Gahm/Teri Denlinger

<http://RBPlanningBoard.com>

	P = Present	A = Absent	E = Excused			* Arrived after Roll Call	** Left Early				
Greg Aveni	P	Richard House	E	Ed Kronenberger	P	Lee Okeson	P	Sheryl Schane	E	John Woods	P
Teri Denlinger	P	Dick Katz	P	George Leitner	P	Marc Posthumus	A	Irving Sherman	P		
Joe Dirks	P	Kevin Juza	*	Hydee Luthra	E	Myrna Reese	P	Dick Walker	P		
Fred Gahm	P	Robin Kaufman	P	Keith Mayes	A	Bill Renstrom	E	Ellen Willis	P	Total Seated @RC=	15

MEETING CALLED TO ORDER AT 7:01 P.M.

ITEM #1: ADMINISTRATIVE MATTERS

APPROVAL OF MAY 17, 2007 MINUTES

Motion by Sherman, 2nd Denlinger. **Approved 12-1-2.** (No - Dirks; Abstain-Reese, Juza)

APPROVE OF JUNE 21, 2007 MINUTES

Motion by Sherman; 2nd Denlinger. **Approved 12-1-3.** (No - Dirks; Abstain - House, Leitner, Reese)

CORRESPONDING SECRETARY REPORT – Teri Denlinger – no report

TREASURER'S REPORT – Joe Dirks

As of August 16, 2007, balance of \$1,876.78; with balance as of meeting \$1,876.78. Motion carried to approve by Dirks, 2nd Kaufman. **Approved 16-0-0.**

ITEM #2: CHAIR REMARKS

Ellen Willis advised the board that the Oaks North meeting room will be undergoing renovation in the Fall. Although boxes will be stacked throughout the room, it is still available for meetings and the board agreed to continue to meet there.

ITEM #3: NON-AGENDA PUBLIC COMMENT

None

ITEM # 4: COUNCIL MEMBER BRIAN MAIENSCHHEIM LIAISON REPORT

Courtney Smith – District 5: Two traffic calming speed signs have been installed. Options to prohibit cars for sale on Rancho Bernardo Road are being explored, including a pilot program to enact a city ordinance.

ITEM # 5: CITY PLANNING & COMMUNITY INVESTMENT

Brian Schoenfisch stated the City General Plan has been delayed. Updates will be posted on the city's web site. Brian also commented that the board use caution when developing a "Vision" plan that does create policy but rather work with the city with regard to the adoption of policies.

ITEM #6 DISTRICT MEMBER APPOINTMENTS

District C – VACANT

District F – VACANT due to resignation of Joyce Traxler. No persons came forward to present themselves for appointment

ITEM #7

METROPOLITAN WASTEWATER DEPARTMENT (MWWD)

A presentation was made by Dr. Timothy C. Bertch on the background of the Point Loma plant and the City need to make a decision on upgrades. The Power Point presentation showed wastewater plants in the County and what may need to be done to upgrade the quality of water after treatment. Because of the location of Pt Loma to the ocean, the MWWD is requesting a waiver for five years before any upgrade might be considered. To upgrade to the next level of quality would add approximately \$28/month to the average residential unit nearly a 2/3 increase. This is for information only.

ITEM #8

OLD BLACK MOUNTAIN ROAD VACATION

Based on review by the Regional Issues Committee, there is no need for the public right-of way easement on Old Black Mountain Road. Thus, it has been requested that all interested parties approve the "vacation" (dropping) of the easement. Motion by Woods, 2nd Okeson Approved 16-0.

ITEM #9

BYLAWS (UPDATE) DOCUMENT

All Board members were previously emailed a copy of the proposed bylaw changes which must be voted on and made available to the City in September 2007.

Motion made to require all board candidates to attend at least two (2) meetings during the past year (refer to Section 1, paragraph 4). Motion by Okeson; 2nd by Juza. **Approved 11-4-1** (No-Aventi, Dirks, Sherman, Willis/ Abstain -Walker).

Motion by Kaufman; 2nd by Woods to:

- Change verbiage regarding appointment of board member to the Election Committee from January to October
- Regarding election disputes, the board will appoint a committee of 3 to handle any disputes pertaining to the Planning Board only
- Election of officers to take place following the certification of election results
- Roberts Rules of Order shall prevail with regard to tie votes

Approved 16-0

Motion by Kaufman; 2nd by Dirks that verbiage be placed in the bylaws to reflect a "Joint" Traffic Committee with the Community Council and include a joint chairperson. The motion also asked that the majority of the committee's members would not be required to be from the Planning Board. **Motion failed 5-11** (Yes - Katz, Dirks, Walker, Kaufman, Kroenenberger).

ITEM #10

MCAS MIRAMAR LIAISON REPORT

Jeff Frederick made a presentation on the upcoming change at Miramar from helicopters to Osprey fixed wing aircraft. The exact date is not known. While this aircraft travels faster than the helicopter it should provide an overall noise reduction to residents

ITEM #11

BERNARDO HILLS TRAFFIC CALMING PROJECT

Kaufman reported that meetings have been held and next meeting is August 21.

ITEM #12

COMMITTEE REPORTS

- (Joint) Traffic & Transportation – no report
- Regional Issues - John Woods – no report
- Development Review - John Woods no report

- Publicity & Election – Irv Sherman Reported that the group is working on assigning tasks including who will be our Representative/Chair to the Tri-Council Election Committee
- Code Compliance - Dick Walker – Issues relating to reports of excessive lighting in the shopping area near Bernardo Center Drive and I-15 are being researched due to resident complaints.

ITEM # 13: (MEMBER) LIAISON REPORTS

- Development Representative - Marc Posthumus – no report
- Community Council – Robin Kaufman – September 26 will be citywide cleanup day
- Industrial Representative -- Greg Aveni - Sony and Hewlet Packard continue to pursue childcare facility options.
- Commercial Representative - John Woods – no report
- San Dieguito River Valley Park – no report
- CPC - Ellen Willis – Bylaws discussion discussed earlier
- San Pasqual/Lake Hodges Planning Group - Ellen Willis – no report
- COMPACT/SANDAG - Richard House – no report

OTHER BUSINESS: Motion by Sherman; 2nd Katz to pay \$35 toward RB Foundation luncheon to be attended by Chair Willis to accept a \$500 grant for the RB Planning Board.

Meeting adjourned at 9:31 p.m.

NEXT BOARD MEETING: September 20, 2007

*Submitted by Fred Gahm, Recording Secretary
Teri Denlinger, Corresponding Secretary*



Rancho Peñasquitos Planning Board Meeting Minutes

October 3, 2007

Attendees: Jon Becker, Bill Diehl, Sudha Garudadri, Wayne Kaneyuki, Pamela Kelly, Jim LaGrone, Lynn Murphy, Jeanine Politte, Keith Rhodes, Charles Sellers,

Absent: Dan Barker, Joost Bende, Dennis Spurr, Christopher Woo, Ted Jobson

Guests & Community Attendees:

Sabrina Leitner, Bill Dumka, Brian Drummy, Rheia Vigay, Sandy Burgoyne, John Spelta, Marshall Merrifield, Athans Zafiroopoulos, Patricia (Black Mtn. Ranch), Dale Politte, Pam Blackwill, Madeleine Baudoin

000932

1. The meeting was called to order at 7:34 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum was present.
2. Agenda Modifications: none
3. MINUTES: Jeanine suggested a vote correction to the motion to approve the August 1, 2007 minutes should have been counted with 3 abstentions, not as votes for approval because they were not present at the meeting in question. Charles Sellers said the question of who can vote to approve the minutes has come up for discussion before and if a board member votes to approve minutes of a meeting they were not present at, they may do so. Keith Rhodes inquired if there might be a better way to track motion/vote participants, possibly with initials, instead of noting the arrival/departure times of members in the minutes. The secretary will note actual voting members with the motion and vote if there is a discrepancy from the list of board meeting attendees.
Motion: To approve the September 5, 2007 Rancho Peñasquitos Planning Board Meeting minutes as presented. M/S/C - LaGrone/Kaneyuki/Approved 9-0 with 1 abstention (PKelly. not present).
4. Guests: none
5. NON-AGENDA, PUBLIC COMMENTS:
 - a. Torrey Hills/Black Mountain Ranch Seats on RPPB -
 - i. Sabrina Leitner inquired when the seats for Torrey Hills would be available to be seated.
Charles Sellers/Bill Diehl noted the 2 seats for Torrey Hills and 2 seats for Black Mtn. Ranch are At-Large seats that will be voted on by all voters within the boundaries of RPPB hopefully in March 2008, the next election. The seats will not be available until the City Council approves RPPB's final bylaws, which is still in revision.
Wayne Kaneyuki reminded the board of the possibility to waive the attendance requirement for the 1st election of the TH/BMR seats, which we would need to do following the approval of the bylaws.
 - ii. Athans Zafiroopoulos suggested RPPB announce seat availability in the newspapers, concern that BMR/TH community does not know who represents them with the City on planning issues; need better communications.
Jon Becker/Bill Diehl – residents are represented by RPPB (for development and land use), City Council District 1, HOA's and the Recreation Council which meets the last Thursday of the month at Canyonside Park.

Election Noticing - Corridor News doesn't cover TH/BMR, Carmel Valley News from the San Diego Ranch Coast Newspaper Group does; also submit info to UT.

iii. Torrey Highlands MAD – Sabrina asked if committee to oversee has been set up yet? Bill Diehl said she should contact Park & Recreation Council.

- b. Wayne Kaneyuki inquired if any progress was made talking with New Hope Church about trailer removal per agreement; Joost Bende was looking into. Charles Sellers noted that Joost was also looking into the Mormon Church basketball court concerns.
- c. Marshall Merrifield introduced himself and announced that he is running for City Council, District 1 seat. He shared a brief history of his experience and reasons for running for office. More information is available at JoinMarshall.com.
- d. Bill Dumka invited the board and community members to visit the "LEED" award winning Rancho House, Del Sur. Jon Becker will arrange a tour for board members.

6. ANNOUNCEMENTS & INFORMATION ITEMS:

- a. San Diego City Council District 1 Report – Madeleine Baudoin
 - Family Emergency Preparedness Fair is scheduled for October 13th at Hilltop Park, distributed flyer.
 - Canyonside Park lights are back on
 - City Council will vote on the East Trust Fund transfer/loan approved by RPPB for Hilltop Park Phase II & III on October 9th. Bill Diehl will make sure the amount approved by RPPB is the amount that will be transferred. Bill added that he has been meeting with Gus Button about the design aspects and construction should begin in December and take 9 months with tentative opening in Sept/Oct 2008.
 - Charles Sellers noted that he was informed at a recent CPC meeting that a rep from Mayor Sander's office would be attending RPPB meetings regularly. Madeleine will check with Steven Lew and email to Charles.
- b. San Diego City Planning & Community Investment Report – Jennifer Cordeau: no report

7. BUSINESS.

- a. Metropolitan Wastewater Department Presentation – INFO ONLY

Brian Drummy introduced himself; shared handouts on the Secondary Treatment Upgrade at Pt. Loma treatment facility located near the tide pools which collects/treats all city of San Diego wastewater.

 - i. Planning Board Member & Public Comments/Questions:
 - Keith Rhodes inquired about the previous waiver and Scripps Institute test results on outfall. Brian noted that MWWD needs to submit a new complete application with up-to-date standards/test results. \$1.5 billion to update to Secondary treatment.
 - Another option would be to extend the outfall further. Brian reminded board members of the broken outfall pipe in 1993/94 and how extending the pipe 2.5 miles while repairing the break.
 - Waiver is good for 5 years.
 - Sabrina Leitner asked about the Orange County treatment process and how they are set up? Brian said one of their facilities is a secondary treatment plant, and they have a 10 year waiver to do a full secondary plant.
 - Biran added that all plans are reviewed by many groups including the EPA, Coastal Commission and others. He would like to come back to RPPB with an action item to get agreement with the Mayor's recommend decision.
 - b. Vacation of Old Black Mountain Rd., Project No. 128026 – ACTION ITEM

Rheia Vigay, Senior Planning Analyst for PUSD, presented background on the request to

vacate the portion of old Black Mtn. Rd. that runs through Del Norte High School property. There are no direct road connections on either end of this segment of old Black Mtn. Rd. Aerial photo maps were distributed to help explain exact location.

i. Planning Board Member & Public Comments: none

Motion: To approve the vacation of Old Black Mountain Road by the City of San Diego between Camino San Bernardo Road and Lone Quail Road to PUSD. M/S/C – Sellers/Rhodes/Approved - 9 for-0 against-1 abstention by Garudadri.

Concern was shared that PUSD should not be building new schools when existing schools are not full.

- c. Formation of Park View Estates Community Fund Oversight Body – ACTION ITEM
Madeleine Baudoin reported that she spoke with John Tracanna who suggests setting up a subcommittee to make recommendations to RPPB for approval.

Bill Diehl – reviewed the committee's background beginning in 1989. As noted in a City Manager's Report, the committee was approved to make recommendations on expensing monies in the community fund. The group met several times to distribute funds, but since 1999 has had no activity and a number of member groups are no longer operating. RPPB's obligation to Black Mtn. Open Space Park is complete. Approximately \$1.2 million remains in the fund.

- The question is whether to create a new subcommittee to oversee or include under the existing Ad-Hoc Community Funds committee.

- All RPPB members and the public are encouraged to attend meetings and participate in the recommendation making process. Note that per CP 600-24, a majority of the subcommittee members must be RPPB members, but does not discourage the public's participation.

Motion: To add the Park Views Estates Community Fund under the RPPB Ad-Hoc Community Funds Committee to oversee and make recommendations on expenditures to RPPB. M/S/C – Sellers/LaGrone/discussion.

- Bill Diehl asked about seat appointments on the committee, specifically if Park & Rec should have a guaranteed seat.
- Charles Sellers felt a guarantee was not necessary, if they wanted to participate, they could.
- Wayne Kaneyuki noted that he felt the committee was doing a great job.
- Bill Diehl would like more input from the community on all community funds.

Call for a vote on the motion – Approved, 10 for-0 against.

- d. Rhodes Crossing Community Funds – it was suggested that we should include Rhode's Crossing under the oversight of the Community Funds Committee also. That would make it 5 Community Funds (Park View Estates Fund, Peñasquitos East Trust Fund, Peñasquitos East Park Development Fund, Black Mtn. Ranch Development Agreement Fund, & Rhodes Crossing) under the oversight of the Subcommittee. 1472's still need to be completed on 2 of the funds. Note: Keith Rhodes left room prior to discussion about adding.

Motion: To add Rhode's Crossing Community Funds (FBA) under the RPPB Ad-Hoc Community Funds Committee to oversee and make recommendations on expenditures to RPPB. M/S/C - Sellers/LaGrone/Approved, 9 for-0 against.

8. REPORTS.

- a. Chair Report – Charles Sellers

- PUSD invite to rededication ceremony of Mt. Carmel High School on Oct. 9th; Sudha

- offered to attend & represent RPPB.
- 3 RPPB members attended the City workshop on Reviewing Development Projects on September 27th (Sellers, Barker & Politte).
 - CPC meeting – reviewed the revised indemnification policy. Charles emailed to board to review; email Charles if you need contact information to ask questions.
- b. Vice-Chair Report – Joost Bende – no report
- c. Secretary Report – Jeanine Politte
- Jeanine reported that she received an email from a local resident with the URL to the City street maintenance reporting website. Resident is concerned that our roads are not getting repaved or slurry sealed when needed.
<http://apps.sandiego.gov/streetdiv/sreq.jsp>
- d. Standing Committee Reports:
- Land Use (Jon Becker) - committee did not meet.
 - Santa Fe Summit II & III is still in process under substantial conformance. Charles will send a letter requesting further information to Tim Daly.
 - Property on Via Doroca is requesting a map waiver; Jon to notify Charles if scheduled.
 - No word if Cornerstone Advisors (Doubletree) are moving forward or not; Charles will follow-up with Ken Ryan.
 - Keith informed the group that he will probably be bringing forth some Rhodes Crossing infrastructure issues related to fish & wildlife impacts in the next 12 months if unresolved.
 - Wireless (Lynn Murphy) – no meeting last month, project representatives have not contacted Lynn to be scheduled on the agenda.
 - It's been over a year since towers at BMMS came before the planning board for recommendation and no action since. Charles will follow up with Karen Lynch to check status.
 - Jeanine noted that there is a lot of buzz about the T-Mobile tower proposed for The Hills Apts., next to Rollin g Hills Elementary School. Lynn said she has not been contacted by them either.
 - Agendas of future Wireless Committee meetings will be emailed to our notification lists by the secretary.
- e. Ad Hoc Committee Reports:
- Bylaws/Elections (Bill Diehl) – still working on and need to meet with city staff before bringing back to RPPB for approval.
 - Community Funds (Bill Diehl) – Bill will check with Charlotte Strom to get an update.
 - Transportation (Jim LaGrone)
 - Jim talked to Madeleine Baudoin to stimulate some interest in getting Carmel Mtn. Rd. (going south from I-15) and bumped up in the priority list to resurface. Peñasquitos East MAD is responsible for the blacktop median along that stretch of Carmel Mountain Rd.
- f. Liaison and Organization Reports:
- Community Planners Committee (Charles Sellers) – see Chair report.
 - Black Mountain Ranch Open Space (Sudha Garudadri) – nothing new since August meeting.
 - MCAS Miramar Community Leaders Forum (Spurr and Diehl) – Miramar Air Show is October 12, 13, 14.

- Peñasquitos East MAD (Bill Diehl) – signs updates, delayed. Keith thanked Jon & Bill for helping him with his MAD's boundary issues.
- Recreation Council (Jim LaGrone)
 - Torrey Del Mar Park is having watering issues, trees, shrubs and grass is dying.
 - Off-Leash Park – plans are approved.
 - CERT Training is October 13th.
 - October 19th is Park & Rec's Octoberfest at Hilltop Park 5-10pm.
 - Bill Diehl shared information on an accident along Carmel Mtn. Rd. just north of the Skate Park which took out 2 sections of park fencing. The accident happened in the very early morning, but it's the 2nd major accident in last 4-5 years in the vicinity.
- Town Council (Ted Jobson) – not present.
 - Charles will re-email the PQ Town Council about their rep's attendance and suggesting that maybe a new appointee is needed.

The meeting was adjourned at 9:37pm.

Respectfully submitted,
Jeanine Politte, RPPB Secretary

Approved as presented, 11/7/07.

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

gave check to Peggy 2-13-08 JV

PROJECT NO.: 128026

PROJECT TITLE: **OLD BLACK MOUNTAIN RD VAC**

PROJECT LOCATION-SPECIFIC: Public Right-of-Way of a portion of Parcel 2 of Parcel Map (PM) 17995 and a portion of Parcel 1 of Parcel Map (PM) 20146

PROJECT LOCATION-CITY/COUNTY: San Diego

DESCRIPTION OF PROJECT: Public Right-of-Way Vacation of a portion of Parcel 2 of PM 17995 and a portion of Parcel 1 PM 20146 (Old Black Mountain Road).

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Duane Danielson, (858) 792-7061

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 15268)
- DECLARED EMERGENCY [SEC. 15269 (A)]
- EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]
- CATEGORICAL EXEMPTION (STATE TYPE AND SECTION NUMBER): Minor Alterations in Land Use, Section 15305 (c)
- OTHER (STATE TYPE AND SECTION NUMBER):

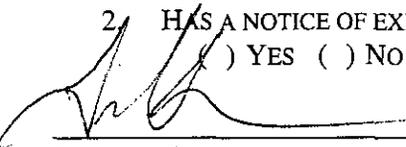
REASONS WHY PROJECT IS EXEMPT: The proposed project would not have the potential for causing a significant effect on the environment.

CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO



SIGNATURE/TITLE

5/5/07

DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING: _____

DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No. 128026

Date: 5/23/07

Job Order No. 42-7709

Action/Permit(s): Public Right-of Way Vacation

Description of Activity: Old Black Mountain Rd Vac.: Public Right-of-Way Vacation of a portion of Parcel 2 of Parcel Map 17995 and a portion of Parcel 1 of Parcel Map 20146 (Old Black Mountain Road).

Location of Activity: Project is located at Public Right-of-Way of a portion of Parcel 2 of Parcel Map 17995 and a portion of Parcel 1 of Parcel Map 20146 in the AR-1-1 Zone in the Black Mountain Ranch Community Plan, in the City of San Diego, County of San Diego, and State of California. Applicant: Duane Danielson, 12770 High Bluff Drive, Suite 260, San Diego, California, 92130, 858-792-7061

(CHECK BOXES BELOW)

1. This activity is **EXEMPT FROM CEQA** pursuant to:
 - Section 15060(c) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).

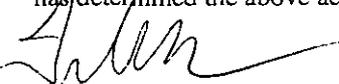
2. This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Distribution:


Senior Planner
Environmental Analysis Section

Laura Black, Project Manager
MMC
EAS file

334
3/11



March 6, 2008

San Diego City Council
c/o Elizabeth Maland, City Clerk
202 "C" Street, 2nd Floor
San Diego, CA 92101

Subject: Old Black Mountain Road Vacation (Item 334-March 11, 2008 Agenda)

Dear Council President Peters and Members of the City Council:

The purpose of this letter is to request a continuance of the above-referenced item for one month to allow the applicant to address unresolved issues with a neighboring property. Montecito BMR, LLC is the developer of a 67-acre property along the southerly extension of the proposed road vacation. Exhibit 1 illustrates the location of our parcels relative to the road. The approved Black Mountain Ranch Subarea Plan designates our property as Core Residential providing for the development of 300 multi-family units on approximately 20 acres.

We are currently preparing development plans for a senior-oriented project to be known as Montecito. The only recorded legal access to our property is from an extension of the road that is proposed to be vacated. However the use of Old Black Mountain Road for access to our property is simply not achievable from an engineering perspective or advisable as it would impact sensitive steep hillsides and biological resources protected by the Multiple Habitat Preserve Area.

The absence of a feasible access to our property has caused us to approach Black Mountain Ranch, LLC, the applicant for this action, regarding the possibility of obtaining access through an approximately 3-acre triangular parcel that would connect to the extension of Camino San Bernardo (Exhibit 2). Montecito BMR, LLC has formally offered on several occasions during the last year to purchase access rights or the entire parcel. Black Mountain Ranch, LLC has declined several substantial offers indicating that access is currently available. Although the existing Black Mountain Ranch plan shows a potential access point off Camino San Bernardo, an easement or road dedication through the triangular parcel connecting to our property is missing. The 300 dwelling units shown for our site and more than \$10 million dollars in Facilities Benefit Assessment Fees will effectively be held in abeyance until the triangular parcel is developed, if ever, or the city elects to pursue condemnation.

The applicant has also submitted a request for a number of major changes to Black Mountain Ranch. Their accompanying plans show the triangular property to be dedicated for "POA" use without any further definition or elaboration as to the extent and nature of a Property Owners Association facility. An interim POA use (potentially construction trailers) suggests that development of the underlying residential use is unlikely in the foreseeable future.

1545 Faraday Ave., Suite 102
Carlsbad, CA 92008
Phone 760 - 930 - 1910
Fax 760 - 683 - 3349



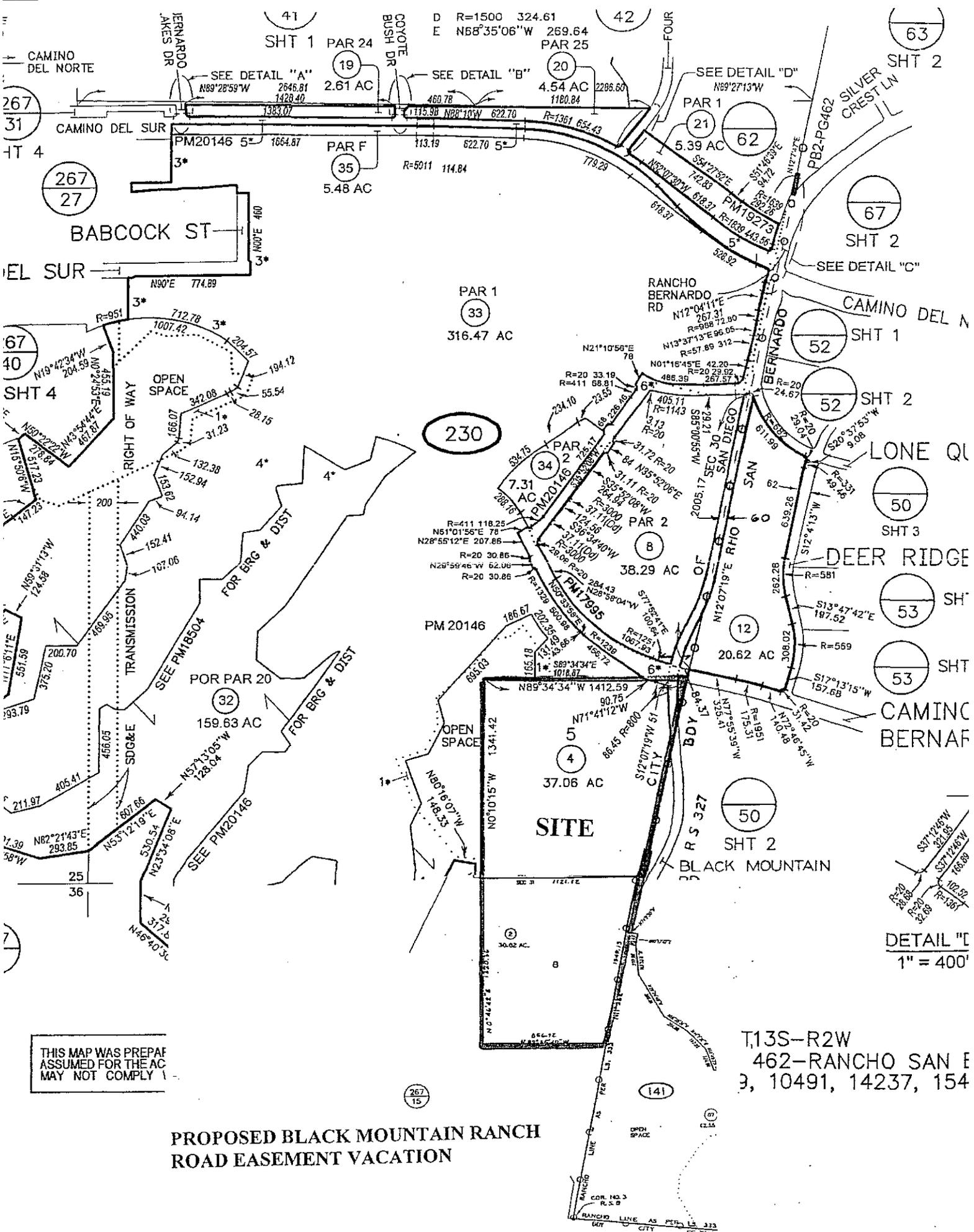
San Diego City Council
March 6, 2008
Page 2

Montecito BMR, LLC recognizes that Old Black Mountain Road should ultimately be vacated to facilitate development of the high school. However, vacating the northern portion of the road as contemplated by this proposal makes sense only if and when the balance of the road and access to our property is also addressed. The City Council has an opportunity to solve a problem which will have long-term ramifications not only for our property but the larger community. The current piece-meal approach to these important circulation issues represents poor planning. It is our hope the City will work with the applicant and Montecito BMR, LLC during the continuance to find a mutually acceptable resolution. Thank you for your consideration.

Sincerely,

William F. Diehl
Local Member
Montecito BMR, LLC

cc: Honorable Mayor Jerry Sanders
Kelly Broughton, City of San Diego
Laura Black, City of San Diego
Robert Negrete, City of San Diego
Duane Danielson, Black Mountain Ranch, LLC
Jeffrey Chine, Luce Forward
Doug Mann, PUSD



THIS MAP WAS PREPARED ASSUMED FOR THE AC MAY NOT COMPLY

PROPOSED BLACK MOUNTAIN RANCH ROAD EASEMENT VACATION

T13S-R2W
462-RANCHO SAN E
3, 10491, 14237, 154

DETAIL "L"
1" = 400'

