

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR COUNCIL MEETING
OF
MONDAY, OCTOBER 16, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:04 p.m. Council President Peters recessed the regular meeting to convene the special meeting at 4:26 p.m. Council President Peters reconvened the regular meeting at 6:00 p.m. with Council Member Faulconer not present. Council President Peters adjourned the meeting at 6:02 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (je)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Father John Edwards of All Saints Episcopal Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Faulconer.

FILE LOCATION: MINUTES

ITEM-200: Human Resources/Personnel Business Process Re-engineering (BPR).

(See Report to the City Council No. 06-139.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-385) Cor. Copy TRAILED TO TUESDAY,
OCTOBER 17, 2006

Accept the Mayor's Report;

Authorizing the City Auditor and Comptroller, pursuant to Section 2 of the BPR Ordinance, to adjust expenditure and revenue appropriations as detailed in the Mayor's Report;

Authorizing and directing the City Auditor and Comptroller, with the assistance of the City Attorney, to prepare an ordinance amending the FY 2007 Appropriations Ordinance in accordance with Mayor's Report and for the approval of the City Council;

Authorizing and directing the City Attorney to prepare any necessary amendments to the Administrative Code to reflect the restructuring of City departments in accordance with the Mayor's Report and for the approval of the City Council.

STAFF SUPPORTING INFORMATION:

The Mayor has commenced Business Process Reengineering (BPR) efforts to improve efficiencies, reduce the cost of City government and to maximize the services offered to our residents. BPR focuses on significantly streamlining work processes (activities, services or functions) for substantial improvement and reorganizing functional work groups and positions. On July 31, 2006, the City Council adopted Ordinance O-19523, establishing a policy for the implementation of Business Process Reengineering Results (Report to City Council No. 06-094).

The City's Chief Operating Officer and members of the Executive Team were concerned about the lack of consistent application of labor and personnel standards and procedures as well as with the perceived duplication of processes for human resources throughout City government.

To address this inconsistent application of policies and processes across the City, a diverse group of individuals were pulled together to evaluate ways to improve consistency and service.

Employees and managers from various departments as well as representatives from labor unions met to discuss various approaches to provide human resource services in the City of San Diego. The action before you today is the reorganization plan which will create Group Human Resources Manager positions reporting directly to the Deputy Chief Operating Officers in the key business groups (Public Works, Public Safety and Neighborhood & Customer Services) to provide consistent direction to department human resource analysts related to human resources, labor and personnel processes.

Evaluating the existing structure providing human resources services became the guiding factor of the team as they reviewed existing processes and organization. The initial determination was that a structured reorganization had to occur prior to moving toward any of the process improvements identified in the evaluation. This reorganization provides initially for the relocation of three existing positions to create the Group Human Resources positions for Public Safety, Public Works and Neighborhood and Customer Services Groups which have been identified as an essential step to move forward. Additional recommendations are summarized in Attachment A.

Extensive Business Process Reengineering effort and study has been conducted to date, however much more work lies ahead. Interviews were held with key internal and external stakeholders, as well as benchmarking with other similar municipalities. Future work will include input from employees and managers from various departments as well as representatives from labor unions who will continue to discuss various approaches to provide human resource services in the City of San Diego.

FISCAL CONSIDERATIONS:

The transfer of existing positions and funding will be utilized for this BPR process. This action increases the general fund appropriation and estimated revenue by \$135,057 resulting in no net impact to the General Fund. Attachment B provides detail on the budgetary and staffing changes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Extensive Business Process Reengineering effort and study has been conducted to date, however much more work lies ahead to complete the entire study. Interviews were held with key internal and external stakeholders, as well as benchmarking with other similar municipalities. Future work will include input from employees and managers from various departments as well as representatives from labor unions who will continue to discuss various approaches to provide human resource services in the City of San Diego.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City employees and managers, labor unions will have improved, more efficient and effective human resource services more equitably distributed across the City.

Reynolds

Staff: Rick Reynolds - (619) 236-5953
Brant C. Will - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:31 p.m. – 3:31 p.m.)

ITEM-201: Information Technology Business Process Reengineering (BPR).

(See Report to the City Council No. 06-140.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-386) Cor. Copy TRAILED TO TUESDAY,
OCTOBER 17, 2006

Accepting the Mayor's Report;

Authorizing the City Auditor and Comptroller, pursuant to Section 2 of the BPR Ordinance, to adjust expenditure and revenue appropriations as detailed in the Mayor's Report;

Authorizing and directing the City Auditor and Comptroller, with the assistance of the City Attorney, to prepare an ordinance amending the FY 2007 Appropriations Ordinance in accordance with Mayor's Report and for the approval of the City Council;

Authorizing and directing the City Attorney to prepare any necessary amendments to the Administrative Code to reflect the restructuring of City departments in accordance with the Mayor's Report and for the approval of the City Council.

STAFF SUPPORTING INFORMATION:

The Mayor has commenced Business Process Reengineering (BPR) efforts to improve efficiencies, reduce the cost of City government and to maximize the services offered to our residents. BPR focuses on significantly streamlining work processes (activities, services or functions) for substantial improvement and reorganizing functional work groups and positions. On July 31, 2006, the City Council adopted Ordinance O-19523, establishing a policy for the implementation of Business Process Reengineering Results (Report to City Council No. 06-094).

Information Technology (IT) in the City of San Diego is supported through a diverse organization and service delivery structure relying on multiple service providers. Some IT functions are centralized, but the majority are delivered based on individual department needs and funding capabilities. The City's IT organization and governance processes reflect this service delivery model.

The City's current internal IT organization is primarily decentralized. The City's Office of the Chief Information Officer (CIO) employs a limited number of information technology staff to support citywide programs and functions, as well as Communications personnel to support the City's wireless voice and data systems. While many IT functions are provided by departmental staff, the majority of technical services are provided by San Diego Data Processing Corporation (SDDPC), a not-for-profit public benefit corporation wholly owned by the City.

The action before you today is the initial reorganization plan providing for the relocation of four existing positions to create the Group Information Technology (IT) positions. The Group IT Managers will serve as the core of the new governance process for information technology and lead the ongoing effort to reengineer the City's IT processes and functions. To that end, the following immediate steps will be taken:

- Institute central governance process starting with the new Group IT Managers.
- Develop a new strategic plan for information technology that will provide the road map for future years.
- Centralize management of common City IT processes to achieve efficiencies and improve customer service.
- Partner with San Diego Data Processing Corporation to reengineer other functions and develop the most efficient organization.

- Assist other City reengineering efforts in using technology to improve business processes and to transform the City.

The status of these steps, along with all other recommendations included in the Reengineering Report on Information Technology, are summarized in Attachment 1.

FISCAL CONSIDERATIONS:

The proposed transfer of existing positions and funding will be utilized for this initial stage of the BPR process. An allocation to distribute the cost of support for the new position to each of the departments in each group was developed based on each department's percent of the overall group's IT budget with San Diego Data Processing. Attachment 2 provides detail on the budgetary and staffing changes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Extensive Business Process Reengineering effort and study has been conducted to date, however much more work lies ahead to complete the entire study. Interviews were held with key internal and external stakeholders, as well as benchmarking with other similar municipalities. Future work will include input from employees and managers from various departments as well as representatives from labor unions who will continue to discuss various approaches to provide human resource services in the City of San Diego.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City employees and managers, labor unions will have improved, more efficient and effective human resource services more equitably distributed across the city.

Reynolds

Staff: Rick Reynolds - (619) 236-5953
Brant C. Will - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:31 p.m. – 3:31 p.m.)



ITEM-202: Costa Del Mar II.

Matter of approving, conditionally approving, modifying, or denying the rezone of a 10.22-acre parcel from AR-1-1 to AR-1-2 and OC-1-1; a Tentative Map to subdivide the 10.22 acre site into five separate parcels; a Planned Development Permit to allow access to Lots 2, 3, 4, and 5 via a private driveway over a proposed access easement on Lot 1; a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations; a Coastal Development Permit and Local Coastal Program Amendment; a Neighborhood Use Permit to allow guest quarters to be built on site and the adoption of the proposed Design Guidelines for future development of single family structures. The project site is located at the northern terminus of Arroyo Sorrento Place, within the Carmel Valley Community Plan Area.

The Coastal Development Permit, Site Development Permit, Planned Development Permit, Tentative Map, Neighborhood Use Permit, Rezone from AR-1-1 to AR-1-2 and OC-1-1, Design Guidelines and a Local Coastal Plan Amendment is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on this Coastal Development Permit, Planned Development Permit, Tentative Map, Neighborhood Use Permit, Rezone from AR-1-1 to AR-1-2 and OC-1-1, Design Guidelines and a Local Coastal Plan Amendment will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: Derrick Johnson, Development Project Manager, 1222 First Avenue, MS 302, San Diego, CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(MND/MMRP/RZ No. 35893/Carmel Valley Neighborhood 8B Precise Plan & LCP Amendment/TM No. 35892/PDP No. 38591/CDP No. 38589/SDP No. 38590/NUP No. 295570/Project No. 17013. Carmel Valley Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in subitem A; and adopt the resolutions in subitems B, C, D, and E:

Subitem-A: (O-2007-31) INTRODUCED, TO BE ADOPTED ON NOVEMBER 13, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing 10.22 acres, located 11655 Arroyo Sorrento Place, in the Carmel Valley Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone into the AR-1-2 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0303 and 131.0203; and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2007-270) ADOPTED AS RESOLUTION R-301987

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 10713, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of planned development permit/coastal development permit/site development permit/neighborhood use permit for the Costa Del Mar II project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2007-271) ADOPTED AS RESOLUTION R-301988

Adoption of a Resolution of the Council of the City of San Diego approving an amendment to the Carmel Valley Neighborhood 8B Precise Plan, Local Coastal Program Land Use Plan and Progress Guide and General Plan for the Costa Del Mar II project.

Subitem-D: (R-2007-272) ADOPTED AS RESOLUTION R-301989

Adoption of a Resolution certifying findings supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference, with respect to Tentative Map No. 38592;

That Tentative Map No. 38592, is hereby granted to the Leon Perl Family Trust, Applicant/Subdivider, and Cooper and Associates, Engineer, subject to the attached conditions which are made part of this resolution by this reference.

Subitem-E: (R-2007-273) ADOPTED AS RESOLUTION R-301990

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Planned Development Permit No. 38591/Coastal Development Permit No. 38589/Site Development Permit No. 38590/Neighborhood Use Permit No. 295570;

That Planned Development Permit No. 38591/Site Development Permit No. 38590/Coastal Development Permit No. 38589/Neighborhood Use Permit No. 295570 is granted to the Leon Perl Family Trust, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on May 11, 2006, voted 4-0 to recommend approval; no opposition.

Ayes: Steele, Garcia, Schultz, Otsuji
Not present: Chase, Griswold, Ontai

The Carmel Valley Community Planning Board on January 25, 2006, voted to recommend approval of the proposed project subject to conditions.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

A request to rezone the property from AR-1-1 to AR-1-2 and OC-1-1; a Tentative Map to subdivide the 10.22-acre site into five separate parcels; a Planned Development Permit to allow access to Lots 2, 3, 4, and 5 via a private driveway over a proposed access easement on Lot 1; a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations; Coastal Development Permit and a Local Coastal Program Amendment for this Coastal Development Permit and Rezone; a Neighborhood Use Permit to construct guest quarters; and the adoption of the proposed Design Guidelines for the future development of single family structures.

STAFF RECOMMENDATION:

CERTIFY Mitigated Negative Declaration Project LDR No. 17013 and **ADOPT** the Mitigation, Monitoring and Reporting Program;

ADOPT an ordinance to approve Rezone No. 35893 rezoning the property from AR-1-1 to AR-1-2 and OC-1-1; and

APPROVE the Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment, Tentative Map No. 35892, Planned Development Permit No. 38591, Coastal Development Permit No. 38589, Site Development Permit No. 38590, Neighborhood Use Permit No. 295570 and Design Guidelines.

The Costa Del Mar II proposal requires several actions to implement the project. These approvals are listed above in "Requested Action". Essentially, the proposed development will result in the ability to construct five separate single-family homes.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On May 11, 2006, the Planning Commission voted 4-0-0 (with Commissioner Chase, Griswold, and Ontai absent) to recommend to the City Council approval of the project without any changes.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Carmel Valley Community Planning Board voted, on January 25, 2006, to recommend approval of the project, with five conditions which have been incorporated into the project. These recommended conditions are fully discussed in the Planning Commission Report No. PC-06-132.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The property is owned by the Leon Perl Trust, and the sole member of that trust is Sonya Perl.

Waring/Broughton/DJ

LEGAL DESCRIPTION:

The project is located at the terminus of Arroyo Sorrento Place, in the Carmel Valley Community Planning Area, with a private driveway providing access to each lot and is more particularly described as Portions of Parcel 2 and Parcel 3 of Map 11968.

Staff: Derrick Johnson – (619) 446-5238
Shannon M. Thomas – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: Subitem A: NONE; Subitem B-E: MEET

COUNCIL ACTION: (Time duration: 3:28 p.m. – 3:30 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A, AND ADOPT THE RESOLUTIONS IN SUBITEM B,C,D, AND E. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-203: Scripps Wisteria.

Matter of the appeal by Craig Jones for the Scripps Ranch Community Planning Group of the Planning Commission's decision to approve an application for a Vesting Tentative Map and Site Development Permit to construct 114 residential condominium units (including 3 shopkeeper units and 12 affordable units), and 35,258 square feet of office use on a vacant 3.92 acre site located at 9889 Erma Road, west of Scripps Ranch Boulevard, and to allow the private encroachment of storm drains within Erma Road.

(See Report to the City Council No. 06-138. Project No. 53037/Mitigated Negative Declaration No. 53037/Vesting Tentative Map No. 178023/Site Development Permit No. 153465. Scripps Miramar Ranch Community Plan Area. District 5.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-451) ADOPTED AS RESOLUTION R-302007

Certifying that the information contained in Mitigated Negative Declaration No. 53037 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resource Code Section 21000 et seq.) as amended, and the State Guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council, and adopting the Mitigation, Monitoring, and Reporting Program (MMRP).

Subitem-B: (R-2007-452) DENIED APPEAL; UPHELD THE PLANNING COMMISSION DECISION; ADOPTED AS RESOLUTION R-301991

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Vesting Tentative Map No. 178023, with appropriate findings to support Council action.

Subitem-C: (R-2007-453) DENIED APPEAL; UPHELD THE PLANNING COMMISSION DECISION; ADOPTED AS RESOLUTION R-302006

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Site Development Permit No. 153465, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on June 22, 2006, voted 4-2 to approve, with opposition.

Ayes: Schultz, Griswold, Ontai, Otsuji
Nay: Chase, Garcia
Recusing: Steele

The Scripps Ranch Community Planning Group recommended denial of this project.

STAFF SUPPORTING INFORMATION:

The subject site is located on a vacant 3.92 acre site at 9889 Erma Road, west of Scripps Ranch Boulevard, within the Scripps Miramar Ranch Community Plan area. The site is designated Professional Office by the Scripps Miramar Ranch Community Plan (SMRCP), and is zoned CO-1-2. The project proposes a mixed-use development consisting of 35,258 square feet of office space and 114 residential units, including 12 affordable units to be sold at prices affordable to households earning no more than 100% of the Area Median Income (AMI).

On June 22, 2006, the Planning Commission voted 4-2-1 to approve the project (with Commissioners Chase and Garcia voting nay and Commissioner Steele reusing). Members of the Scripps Ranch Community Planning Group and the Miramar Ranch North Planning Committee spoke in opposition to the project at the Planning Commission hearing. Their belief

was that the traffic study did not use realistic numbers, resulting in a staff determination that no significant traffic impacts would occur. Neither group had an issue with the project itself, but both felt that the Traffic Study should have resulted in traffic mitigation. An alternative traffic analysis was not provided by either planning group.

An appeal application was received by Craig Jones on behalf of the Scripps Ranch Community Planning Group. Staff responses to the issues raised in the appeal are included within the Report to the City Council.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant, Western Pacific Housing (D.R. Horton).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 2, 2006, the Scripps Ranch Community Planning Group voted 14-1-0 to recommend approval of the project on the condition that, after review of the traffic study, they believe the information in the traffic study to be correct. The traffic study was delivered to the Planning Group on April 6, 2006.

On May 4, 2006, the Scripps Ranch Planning Group voted (16-0-1) to recommend denial of the project based upon the belief that the traffic study did not use realistic numbers or factors and that the Miramar Ranch North Planning Committee was not afforded an adequate review of the project and traffic study.

On April 18, 2006, the adjacent community planning group (The Miramar Ranch North Planning Committee) submitted a letter in response to the draft Mitigated Negative Declaration, critical of the traffic study. That letter and responses to the Planning Committee's comments are contained within the final Mitigated Negative Declaration No. 53037.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Western Pacific Housing (D.R. Horton), owner and applicant.

Broughton/Warring/LG

LEGAL DESCRIPTION:

The vacant 3.92 acre site is located at 9889 Erma Road in the CO-1-2 Zone within the Scripps Miramar Ranch Community Plan and Council District 5.

Staff: Leslie Gossans – (619) 446-5431

NOTE: This item is not subject to Mayor’s veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:30 p.m. – 4:22 p.m.)

Testimony in Favor by Craig Jones, Marc Sorenson, David Berry.

Testimony in Opposition by Ed Galigher.

Motion by Maienshien to grant the Appeal and deny the project: Second by Frye. Failed by the following vote: Peters-nay, Faulconer- nay, Atkins-nay, Young,-yea, Maienschein-yea, Frye-yea, Madaffer-nay; Hueso-nay

MOTION BY MADAFFER TO CERTIFY THE MITIGATED NEGATIVE DECLARATION IN SUBITEM A. DENY THE APPEAL, AND UPHOLD THE DECISION OF THE PLANNING COMMISSION IN APPROVING THE PROJECT; GRANT THE VESTED TENTATIVE MAP IN SUBITEM B. DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION IN APPROVING THE PROJECT AND GRANT THE SITE DEVELOPMENT PERMIT IN SUBITEM C. DIRECT THE CITY ATTORNEY TO PREPARE APPROPRIATE RESOLUTIONS. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-nay, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-204: Marianopolis Way.

Matter of the appeal filed by Donald L. Ayles on the Planning Commission’s decision to deny a Tentative Map and Site Development Permit application to subdivide a 0.83 acre site with an existing single family residence into two parcel lots and grade the new parcel lot to create a developable pad area at 14305 Marianopolis Way.

(Negative Declaration No. 4605/Tentative Map No. 7652/Site Development Permit No. 7654. Rancho Peñasquitos Community Area. District 1.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-000) CONTINUED TO TUESDAY,
NOVEMBER 21, 2006

Certifying that the information contained in Negative Declaration No. 4605, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State Guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Negative Declaration is hereby approved;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2007-000) CONTINUED TO TUESDAY,
NOVEMBER 21, 2006

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Site Development Permit No. 7654, with appropriate findings to support Council action.

Subitem-C: (R-2007-000) CONTINUED TO TUESDAY,
NOVEMBER 21, 2006

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Tentative Map No. 7652, with appropriate findings to support Council action.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on January 12, 2006, voted 7-0-0 to deny; was opposition.

Ayes: Schultz, Garcia, Chase, Griswold, Ontai, Otsuji, Steele

The Rancho Peñasquitos Planning Board has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

On January 12, 2006, the Planning Commission denied the Marianopolis Way development's Tentative Map and Site Development Permit. The project proposes to subdivide the existing 0.832 acre site into two parcels and prepare a developable lot. The proposed Parcel 1 is currently undeveloped and would be approximately 0.387 acres. Parcel 2, which contains an existing single family residence that would remain, would be approximately 0.445 acres. No development/architectural plans are proposed for Parcel 1, but any future single-family residential development would be subject to the underlying RS-1-14 zoning regulations. The San Diego Municipal Code (SDMC) Section 125.0401 and 126.0501 requires a Tentative Map to subdivide the property and a Site Development Permit to impact approximately 0.095 acres of disturbed coastal sage scrub with grading activities on Parcel 1.

Please reference Report to the Planning Commission No. PC-06-038, <http://www.sandiego.gov/planning-commission/pcreports/pc06038marian.pdf>, for project details (Attachment 1).

On January 26, 2006, Mr. Don Ayles, Civil Engineer for the property owner, Pacifica REO, LLC, filed an appeal indicating the project is in compliance with applicable laws and should be approved (Attachment 2). City staff concurs with the appellant's request. The project has been reviewed by City staff and it is staff's belief that the project conforms to provisions of the Land Development Code, the Subdivision Map Act, and is consistent with the Rancho Peñasquitos Community Plan.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS PLANNING COMMISSION ACTION:

On January 12, 2006, the Planning Commission voted 7-0-0 to deny the Tentative Map and Site Development Permit. The Commissioner's cited reasons to deny the project are based upon their inability to make findings regarding the project adversely affecting the applicable land use plan; the project not being detrimental to the public health, safety, and welfare; and the project's compliance with the applicable regulations of the Land Development Code.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 4, 2004, the Rancho Peñasquitos Planning Board (Board) voted 11-0-1 to recommend denial of the proposed project. The Board's reasons to deny the project included: the Board previously denied all lot-split requests; the original approval showed this lot within the HR (Hillside Review) Overlay Zone; the need to research further the City and/or original consultant files as to why this lot was not originally created as a buildable lot; their need to see site development plan with architecture; their concerns with the original intent of the development where the development was for 110 single family lots with one single family home per lot and the expectations of the adjacent homeowners who had bought their homes with the understanding that the lot was for one single family home as shown on the Final Map; and concern that the removal of 800 cubic yards of soil from the lot would adversely affect the lots on Mediatrice Lane, as those lots are currently experiencing slippage.

KEY STAKEHOLDERS:

Don Ayles, Engineer
Pacifica REO, LLC, Owners
Rancho Peñasquitos Community Planning Board
Adjacent property owners to project site (Peñasquitos Bluffs East Subdivision)

Broughton/Waring/TD

LEGAL DESCRIPTION:

The project site located at 14305 Marianopolis Way within the RS-1-14 (Residential) zone and Rancho Peñasquitos Community Planning Area.

Staff: Tim Daly – (619) 446-5356

NOTE: This item is not subject to Mayor's veto

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:24 p.m. – 4:26 p.m.)

MOTION BY COUNCIL MEMBER FRYE TO CONTINUE THIS ITEM TO TUESDAY, NOVEMBER 21, 2006, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Cypress Greens.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Cypress Greens” (T.M. No. 88804/PTS No. 84493), located on the west side of Highlands Ranch Road between Carmel Ridge Road and Tivoli Park Row in the Carmel Mountain Ranch Community Plan Area in Council District 5, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: **Notice** of Pending Final Map Approval – 4335 McClintock Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4335 McClintock Street” (T.M. No. 242542/PTS No. 101554), located on the east side of McClintock Street between Meade Avenue and El Cajon Boulevard in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: **Notice** of Pending Final Map Approval – 4095 Highland Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4095 Highland Avenue” (T.M. No. 171550/PTS No. 96207), located on the southeast corner of Highland Avenue and Polk Avenue in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City

Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Scott Peters at 6:02 p.m. in honor of the memory of:

Fred Spiess as requested by Council Member Hueso,

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:02 p.m.)