



## THE CITY OF SAN DIEGO

October 20, 2015

Nikki Sayavanh  
8834 Capcano Road  
San Diego, CA 92126

Dear Mrs. Sayavanh:

Subject: Tivyan SDP; Second Assessment Letter; Project No. 412254, Internal Order #24005674; Rancho Encantada Community Planning area

The Development Services Department has completed the second review of the project referenced above, which is an application for a Process 3 Site Development Permit to construct a 2,879 square-foot single-family residence with an 841 square-foot detached 2-car garage and other private improvements on a vacant site located at 11275 Beeler Canyon Road. The 2.795-acre site is located in the RS-1-8 zone, northwest of the Rancho Encantada Precise Plan area.

The purpose of this letter is to advise you of the remaining project issues. Please reference the Enclosed Cycle Issues Report (Enclosure 1). To resolve any outstanding issues, please provide the information that is requested in the Cycle Issues Report. If you choose not to provide the requested additional information or make the requested revisions, processing may continue. The project may be recommended for denial if the remaining issues cannot be satisfactorily resolved and the appropriate findings for approval cannot be made.

As previously explained, the Development Services Department will generally formulate a formal recommendation for your project subsequent to completion of the following milestones: 1) After the City Council recognized Community Planning Group has provided a formal project recommendation; 2) After all City staff project review comments have been adequately addressed; and 3) During the final stages of the environmental review process.

### **I. REQUIRED APPROVALS/FINDINGS**

Your project as currently proposed requires the processing of a Site Development Permit pursuant to Municipal Code Section 126.0502(a)(2)(B), Hearing Officer as decision maker [SDMC Section 126.0503(a)]. In order to recommend approval of your project, certain findings as outlined below must be substantiated in the record. Please include your answers to the following findings in your "Applicant Response to Issues:"

Site Development Permit - Section 126.0504

(a) Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan;
2. The proposed development will not be detrimental to the public health, safety, and welfare; and
3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

(b) Supplemental Findings - Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;
2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;
3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;
4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;
5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and
6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

**II. PROJECT ISSUES:**

Based on City staff's review of your recent submittal, it appears that many of the project issues previously identified have been satisfactorily addressed. The remaining significant project issues are summarized below. Please reference the attached Cycle Issues Report for further direction on unresolved issues, and discussions of new issues generated from the current iterations of the plans and documents.

**KEY ISSUES:**

Drainage / Storm Water – LDR-Engineering is requiring revisions to the Drainage Study and the Water Quality Technical Report, and additional information/corrections to the Site Plan and Grading Plan. Additionally, please note that the project would be subject to the new Storm Water Development Regulations, MS4 Permit, unless the project has received approval of a ministerial permit before the effective date of the new requirement on December 24, 2015. Please refer to LDR-Engineering review for details.

Brush Management – Please refer to LDR-Landscaping review comments, and the attached marked-up Brush Management Plan Sheet (Page 9), for specific requirements related to Brush Management. Please return the marked-up plan sheet with your project resubmittal.

Biology Report – The document needs to be revised to address the comments provided by Plan-MSCP, LDR-Environmental, and LDR-Landscaping reviewers.

Geology – LDR-Geology is requiring an addendum geotechnical report. Please reference LDR-Geology review for the information required to be included in the addendum, and additional required documentation.

- III. STUDIES/REPORTS REQUIRED:** A number of documents are necessary for the project's review. Reference the attached Submittal Requirements Report (Enclosure 3).
- IV. PROJECT ACCOUNT STATUS:** Our current accounting system does not provide for real-time information regarding account status, however, our records show approximately \$9,863 billed to date, with a current deficit of \$1,863.83. A minimum balance of \$3,000 must be maintained in the deposit account at all times during the processing of your project. Based on the processing point, an additional deposit of \$5,000 is requested with your resubmittal. During the processing of your project, you will continue to receive statements with the break-down of staff charges to your account. Should you have questions about those charges, please feel free to contact me directly.
- V. TIMELINE:** A formal resubmittal is required. The submittal of the items requested by staff is key to the project schedule. The review of the project cannot be completed, and a final environmental determination cannot be made, until the requested information and corrections are provided. Staff will schedule the project for a hearing following resolution of the remaining project issues, and the environmental determination.

If you wish to continue processing this project, please note that delays in resubmitting projects and/or responding to City staff's inquiries negatively impact this Department's ability to effectively manage workload, which can lead to both higher processing costs and longer timelines for your project.

Upon your review of the attached Cycle Issues Report, you may wish to schedule a meeting with staff and your consultants prior to resubmitting the project. Please contact me if you wish to schedule a meeting with staff. During the meeting, we will also focus on key milestones that must be met in order to facilitate the review of your proposal and to project a potential timeline for a hearing date. Although the normal turn-around time for subsequent project reviews is 15-20 days, please be advised that your next review cycle will likely take longer due to the current workload and staffing issues.

Municipal Code Section 126.0114 requires that a development permit application be closed if the applicant fails to submit or resubmit requested materials, information, fees, or deposits within 90 calendar days. Once closed, the application, plans and other data submitted for review may be returned to the applicant or destroyed. To reapply, the applicant shall be required to submit a new development permit application with required submittal materials, and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

**VI. RESUBMITTALS/NEXT STEPS:** Resubmittals are done on a walk-in basis. Please check in on the third floor of the Development Service Center (1222 First Avenue). Please be prepared to provide the following:

A. Plans and Reports: Provide the number of sets of plans and reports as shown on the attached Submittal Requirements Report. Each plan sheet should be folded to an approximate 8 ½ x 11 inch size.

B. Cycle Issues Report response letter: Prepare a cover letter that specifically describes how you have addressed each of the issues identified in the Cycle Issues Report and any issues identified in this cover letter, if applicable. Or, you may choose to simply submit the Cycle Issues Report, identifying within the margins how you have addressed the issue. If the issue is addressed on one or more sheets of the plans or the reports, please reference the plan, sheet number, report or page number as appropriate. If it is not feasible to address a particular issue, please indicate the reason. Include a copy of this Assessment Letter, Cycle Issues Report and your response letter if applicable, with each set of plans.

C. Deposit Account: As mentioned above, our most recent records show the deposit account for your project is in deficit with a negative balance of \$1,863.83. Please be advised that not all staff charges associated with this review have been posted to your account, and it may take four to six weeks to post these charges to the account. Statements are mailed to the Financially Responsible Party for this project on a monthly basis.

D. The following information is regarding fees incurred as a part of the California Environmental Quality Act (CEQA).

San Diego County Clerk Fee: The San Diego County Clerk now requires \$50.00 to post the required public notice informing the public that a draft environmental document has been prepared. A check made out to the San Diego County Clerk for this amount will be required prior to the distribution of the draft environmental document for public review.

[http://www.dfg.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html)

CEQA Filing Fees: Required for projects with environmental document (ND, MND or EIR): A California Environmental Quality Act (CEQA) Notice of Determination (NOD) must be filed within five working days after the project's approval and all appeal periods have been exhausted. Filing the NOD would start a 30-day statute of limitations on legal court challenges to the approval under CEQA. The NOD must be accompanied by a California Department of Fish and Wildlife Fee (CDFG) filing fee or a CDFW "No Effect" form, and a San Diego County document handling fee.

If the applicant believes or has evidence (e.g. aerial images, photographs, etc.) to verify that the project will have no effect on fish and wildlife, please consult the "Process for No Effect Determinations" on the California Department of Fish and Wildlife web site, [http://www.dfg.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html) (under the "No Effect Determinations" section), Submit the form via email to: [R5NoEffect@dfg.ca.gov](mailto:R5NoEffect@dfg.ca.gov) (NOTE ) The mail server does not accept attachments over 10 MB.

Prior to scheduling your project for a decision, the following must be forwarded to me to be filed with the CEQA NOD:

- The **original** approved CDFW "No Effect" Form and a check for \$50 (handling fee) made payable to the "San Diego County Clerk". -or-
- A check, payable to the "San Diego County Clerk" in the amount of \$2,260.00 (\$2,210.00 CDFW fee + \$50 handling fee) if a Negative Declaration or a Mitigated Negative Declaration was prepared for your project; **or** \$3,119.75 (\$3,069.75 CDFW Fee + \$50 handling fee) if an Environmental Impact Report was prepared for your project. Please include your project number on the check.

A receipt for the fee and a copy of the CDFW "No Effect" Form or NOD will be forwarded to you after the 30-day posting requirement by the County Clerk.

If your project is determined to be Exempt from the provisions of the California Environmental Quality Act (CEQA); a Notice of Exemption (NOE) will be filed with the County Clerk after your project approval and all appeal periods have been exhausted. The County requires a \$50 documentary handling fee to file a CEQA NOE. Prior to scheduling your project for a decision, a check payable to the "San Diego County Clerk" in the amount of \$50 must be forwarded to my attention. Please include your project

number on the check. A receipt for this fee and a copy of the NOE will be forwarded to you after the 30-day posting requirement by the County Clerk.

E. Records Fee: Prior to scheduling your project for a decision you must pay the Records Fee to cover the cost of imaging and archiving your complete project record electronically (see Information Bulletin 503). I will let you know the Records Fee amount prior to a decision on your project.

- VII. COMMUNITY PLANNING GROUP:** The project site is located immediately northwest of the Rancho Encantada Precise Planning area, and does not have a community planning group. The Miramar Ranch North Planning Committee and the Scripps Miramar Ranch Planning Group, who provide an adjunct review and recommendation on applications near or within Rancho Encantada, voted unanimously to recommend approval of your project on May 6, 2015 and May 12, 2015, respectively.
- VIII. STAFF REVIEW TEAM:** Should you require clarification about specific comments from the staff reviewing team, please contact me, or feel free to contact the reviewer directly. The names and telephone numbers of each reviewer can be found on the enclosed Cycle Issues Report.

In conclusion, please note that information forms and bulletins, project submittal requirements, and the Land Development Code may be accessed on line at <http://www.sandiego.gov/development-services>. Many land use plans for the various communities throughout the City of San Diego are now available on line at <http://www.sandiego.gov/planning/community/profiles/index.shtml>

For modifications to the project scope, submittal requirements or questions regarding any of the above, please contact me prior to resubmittal. I may be reached by telephone at (619) 446-5325 or via e-mail at [ftirandazi@sandiego.gov](mailto:ftirandazi@sandiego.gov).

Sincerely,



Firouzeh Tirandazi  
Development Project Manager

Enclosures:

1. 1<sup>st</sup> Review Cycle Issues Report
2. Submittal Requirements Report
3. Invoice

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Nikki Sayavanh  
October 20, 2015

cc: File  
Lorayne Burley, Chair, Miramar Ranch North Planning Committee  
Wallace H. Wulfeck, Chair, Scripps Miramar Ranch Planning Group  
Reviewing Staff (Assessment letter only)  
Tony Kempton, Planning