

RESOLUTION NUMBER R-299633

ADOPTED ON SEPTEMBER 13, 2004

WHEREAS, on October 2, 2003, Mi Arbolito, a Limited Liability Corporation, Owner/Permittee, submitted an application to the City of San Diego for a building permit to construct a 14-unit residential project located at 3415 Sixth Avenue which is commonly referred to as the Mi Arbolito Project [Project]; and

WHEREAS, on January 7, 2004, the Owner/Permittee submitted an application for a tentative map which was withdrawn on March 27, 2003; and

WHEREAS, on April 2, 2004, the City of San Diego, as Lead Agency, issued and filed a Notice of Exemption in the San Diego County Clerk's Office in connection with the Mi Arbolito Project, and determined that the activity is a Class 32, In-Fill Development project, categorically exempt under CEQA Guidelines Section 15332; and

WHEREAS, in accordance with Public Resources Code section 21115, Banker's Hill, Hillcrest, Park West Community Preservation Group, appealed the determination by the City Manager that the Project was exempt under CEQA, to the Council of the City of San Diego; and

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

WHEREAS, the issue was heard by the City Council on September 7, 2004; and

WHEREAS, the City Council considered the issues related to the categorical exemption under CEQA Guideline Section 15332, Project No. 19032; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, upon consideration of the record before it, that the Council determines that the Project has been reviewed 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.).

BE IT FURTHER RESOLVED, that upon consideration of the record before it, the Council makes the following findings with respect to the Project:

1. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations in that both the general plan and the applicable zoning ordinance (the Mid-City Communities Planned District Ordinance) allow high-density, multi-family housing on the Project site (up to a maximum of 25 residential units). The proposed Project involves the construction of moderate-density multi-family housing (14 residential units).

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project site consists of approximately 0.25 acres located within the city limits of San Diego and is surrounded by existing fully developed residential uses to the west, north and east of the project site and an improved urban park to the south of the project site.

3. The Project site has no value as habitat for endangered, rare or threatened species due to the fact that previous development activities had fully improved the site. A two-story medical office building was operated on the Project site for many years. Since the demolition of that building, the Project site has been a vacant, cleared urban lot.

4. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality. With respect to traffic, the site distance analysis and City of San Diego standard traffic generation rates show that the additional traffic generated by the Project's 14 residential units will not have a significant impact on the existing traffic conditions at the intersection of Sixth and Upas or otherwise. With respect to noise, the Project has no required exterior usable spaces nor does it meet the threshold for noise exposure or generation. Therefore, there is no significant impact on the noise levels at this site from this Project. Because the traffic generated from the 14 units is so low, there is no significant impact from the additional trips generated from the Project. With respect to water quality, during construction, the Project must comply with all requirements imposed by the Air Pollution Control District. During construction and post construction, the Project must comply with all City of San Diego Best Management Practices for Water Quality Assurance. Therefore, there is no significant impact on water quality from this Project.

5. The site can be adequately served by all required utilities and public services. While the zoning ordinance allows for 25 units on the Project site, the Project consists of only 14 units. The Project will have no discernible impact on existing utilities or public services. The Project can be handled by the existing utility infrastructure. The Project will provide standard utility service to the occupants of the building. Also, the Project is located in a highly urbanized area where public services exist to serve the Project.

6. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The Project complies with all applicable requirements and actually proposes lesser residential density than allowed under the zoning

ordinance and there are no deviations from the standard development requirements that govern the use of the Project site.

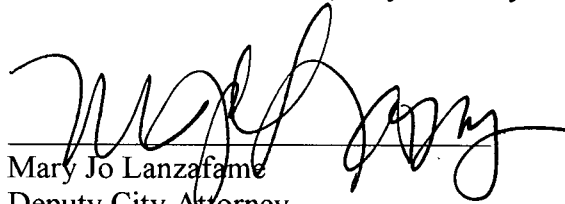
BE IT FURTHER RESOLVED that, based on the findings described above, the Council determines that the Project meets the conditions described in State Guidelines section 15332 and therefore qualifies for a categorical exemption and that no exceptions as described in State Guidelines section 15300.2 apply to the Project.

BE IT FURTHER RESOLVED, that the decision of the City Manager is sustained, and the appeal of Banker's Hill, Hillcrest, Park West Community Preservation Group is denied.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Exemption with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

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