

RESOLUTION NUMBER R- 300740

ADOPTED ON AUGUST 2, 2005

WHEREAS, Yusef and Janice Rashid, Owner/Permittee, submitted an application to the City of San Diego for a coastal development permit, site development permit and tentative map, for the Rashid Residence [Project]; and

WHEREAS, on November 10, 2004, after receiving the staff report and testimony from the public, the Project was approved by the Hearing Officer; and

WHEREAS, Gary McMullen and Wayne Brechtel appealed the Hearing Officer's decision to the Planning Commission; and

WHEREAS, on May 12, 2005, the Planning Commission of the City of San Diego considered the appeal and voted 3-3 on a motion to approve the appeal and deny the Project; and

WHEREAS, the 3 to 3 vote resulted in no action by the Planning Commission, which meant that the Hearing Officer's previous certification on the environmental document and approval of the project stood; and

WHEREAS, in accordance with Public Resources Code section 21151(c), Gary McMullen and Wayne Brechtel appealed the Hearing Officer's decision to approve Negative Declaration No. 5179 to the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on August 2, 2005; NOW,
THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Negative Declaration No. 5179, 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 this Council in connection with the approval of the land use actions for Rashid Residence.

BE IT FURTHER RESOLVED, 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

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