

RESOLUTION NUMBER R- 301814  
DATE OF FINAL PASSAGE AUG - 7 2006

WHEREAS, on November 4, 2003, Mary L. Fox, Owner, submitted an application to the Development Services Department for a Public Right of Way and Slope Easement Vacations; and

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

WHEREAS, the issue was heard by the City Council on August 1, 2006; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Negative Declaration No. 12846; and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

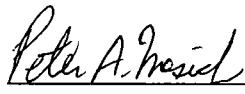
BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby certified that Negative Declaration No. 12846, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California 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 Council.

BE IT FURTHER RESOLVED, that the City Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

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   
Peter A. Mesich  
Deputy City Attorney

PAM:cfq  
07/17/06  
Or.Dept:DSD  
R-2007-44  
MMS#3493

ORIG.  
# 202 a

# RESOLUTION R-301815

Adopted on August 7, 2006

BE IT RESOLVED, by the Council of The City of San Diego that Resolution Number R-301815 was inadvertently assigned to Item 202 a of August 7, 2006. This resolution number was not needed for the reason set forth in the attached Memorandum dated August 24, 2006 from the City Attorney.

ek

08/29/06

Passed by the Council of The City of San Diego on AUG - 7 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG - 7 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By *Debbie Severson-Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R- 301814

#202a  
orig.

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

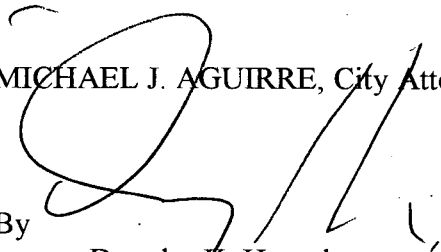
**(619) 236-6220**

**DATE:** August 24, 2006  
**TO:** Ed Ketcham, Deputy City Clerk  
**FROM:** City Attorney  
**SUBJECT:** City Council Meeting of August 7, 2006 -- Item 202 a

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The purpose of this memorandum is to confirm the denial of Richard S. Pearson's appeal and to uphold the Planning Commission's decision to approve the above referenced project was accomplished by way of resolution number R-301817. No separate resolution is required to effectuate the action.

If you have any questions, please do not hesitate to contact me.

MICHAEL J. AGUIRRE, City Attorney  
  
By  
Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
cc: Jeffrey A. Peterson