

RESOLUTION NUMBER R-304232

DATE OF FINAL PASSAGE OCTOBER 13, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND UPHOLDING THE DECISION BY THE PLANNING COMMISSION TO APPROVE TENTATIVE MAP NO. 78473.

WHEREAS, Casoleil, LP, Owner/Subdivider, and Walter T. Schwerin, Engineer, filed an application with the City of San Diego for a Tentative Map to convert 346 existing residential apartment units to condominiums on a 15-acre site located at 1020 Dennery Road within the RM-2-5 Zone within the Otay Mesa Community Plan area; and

WHEREAS, a hearing before the Planning Commission of the City of San Diego was scheduled for July 10, 2008, where the Planning Commission considered Tentative Map No. 78473, and pursuant to Resolution No. 4423 -PC determined that the project was exempt from the California Environmental Quality Act [CEQA] pursuant to section 15301(k) (existing facilities) and voted to approve the Tentative Map; and

WHEREAS, Cory J. Briggs on behalf of Citizens for Responsible Equitable Environmental Development appealed the Planning Commission decision to the Council of the City of San Diego; and

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

WHEREAS, the matter was set for public hearing on October 13, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 78473:

A. Tentative Map Findings

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. (SDMC section 125.0440 and Map Act sections 66473.5, 66474(a) and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code. (SDMC section 125.0440(b)).
3. The site is physically suitable for the type and density of development. (SDMC section 125.0440(c) and Map Act sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (SDMC section 125.0440(d) and Map Act sections 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare. (SDMC section 125.0440(e) and Map Act section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. (SDMC section 125.0440(f) and Map Act section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. (SDMC section 125.0440(g) and Map Act section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources. (SDMC section 125.0440(h) and Map Act section 66412.3).

BE IT FURTHER RESOLVED, that the Council adopts the finding of the Planning Commission that this project is exempt from environmental review under CEQA section 15301(k) on the basis that the facilities are existing and none of the exceptions to the exemption apply.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the appeal of Citizens for Responsible Equitable Environmental Development is denied and the environmental decision is upheld; the decision of the Planning Commission is sustained; and Tentative Map No. 78473 is granted to Casoleil, LP, Owner/Permittee, under the terms and conditions set forth in the attached tentative map which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
11/04/08
Or.Dept:Clerk
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