

RESOLUTION NUMBER R-304233

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, UPHOLDING THE ENVIRONMENTAL DETERMINATION, AND ADOPTING THE CEQA FINDINGS.

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 required 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

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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, 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.

BE IT FURTHER RESOLVED, that this CEQA exemption determination was made 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 determination reflects the independent judgment of the City of San Diego as Lead Agency and that the information obtained in accordance with the process set forth in CEQA Guidelines sections 15060 and 15061, 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 the 1020 Dennery Road Tentative Map Project No. 78473.

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

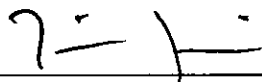
BE IT FURTHER RESOLVED, that the appeal of Citizens for Responsible Equitable Environmental Development is denied and the environmental decision is upheld; the decision of

(R-2009-593)

the Planning Commission is sustained; and Tentative Map No. 78473 is granted to Casoleil, LP,  
Owner/Permittee.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
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Nina M. Fain  
Deputy City Attorney

NMF:mm  
11/04/08  
Or.Dept:Clerk  
R-2009-593  
MMS# 7015