

RESOLUTION NUMBER R-304527

DATE OF FINAL PASSAGE DECEMBER 2, 2008

A RESOLUTION DENYING THE APPEAL AND CERTIFYING
NEGATIVE DECLARATION NO. 138513 – KRETOWICZ
RESIDENCE.

WHEREAS, on September 12, 2007, DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz, Trustees), Owner/Permittee, submitted an application to the City of San Diego for a Site Development Permit [SDP] No. 482270 to amend SDP No. 108967 and a neighborhood use permit, for the Kretowicz Residence [Project]; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No 482270/Neighborhood Use Permit No. 581890 and Negative Declaration No. 138513, and pursuant to Resolution No. 4463-PC-2, voted to approve Site Development Permit No. 482270 to amend SDP No. 108967, to deny Neighborhood Use Permit No. 581890 and to certify Negative Declaration No. 138513 for the Kretowicz Residence; and

WHEREAS, in accordance with Public Resources Code section 21151, George Krikorian appealed the Planning Commission decision to approve the Negative Declaration 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, 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 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; and

WHEREAS, the issue was heard by the City Council on December 2, 2008; and

WHEREAS, the City Council considered the issues discussed in Negative Declaration No. 138513; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Negative Declaration No. 138513, 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 the Kretowicz Residence.


BE IT FURTHER RESOLVED, that the 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 the Negative Declaration is approved.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and the appeal of George Krikorian is denied.

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: JAN I. GOLDSMITH, City Attorney

By



Keith Bauerle
Deputy City Attorney

KB:pev
12/11/08
Or.Dept:Clerk
R-2009-730
MMS #7112
ENVIRONMENTAL-Appeal of Environmental Documents 11-01-04