

CORRECTED COPY

RESOLUTION NUMBER R-304729

(R-2009-960)
COR. COPY
MEET

335a
3/10/09

DATE OF FINAL PASSAGE MARCH 10, 2009

RESOLUTION GRANTING APPEAL AND DENYING
NEGATIVE DECLARATION NO. 113555 – LIBERATORE
RESIDENCE - PROJECT NO. 113555.

WHEREAS, Federico Liberatore, Owner/Permittee, submitted an application to the City of San Diego for a site development permit, neighborhood use permit and variance to construct a new guest quarters and partial underground garage on a 5,836 square-foot lot for the Liberatore Residences project [Project]; and

WHEREAS, on November 6, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No. 470555, Neighborhood Use Permit No. 381871, Variance No. 470554 for the Liberatore Residence Project, and pursuant to Resolution No. 4478-PC, approved the Liberatore Residence Project; and

WHEREAS, on November 6, 2008, the Planning Commission of the City of San Diego certified Negative Declaration No. 113555 for the Liberatore Residence Project; and

WHEREAS, in accordance with Public Resources Code section 21151, William A. Ladd and Anita Busquets appealed the Planning Commission's decision to certify Negative Declaration No. 113555 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

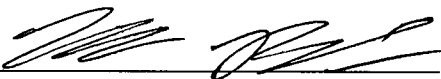
decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on March 10, 2009; and

WHEREAS, the City Council considered the issues discussed in Negative Declaration No. 113555; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the appeal of William A. Ladd and Anita Busquets is granted and the Planning Commission decision certifying Negative Declaration No. 113555 for the Liberatore Residence is overturned.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:pev:hm
03/13/09
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