

RESOLUTION NUMBER R-306254

DATE OF FINAL PASSAGE OCTOBER 19, 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO GRANTING AN APPEAL OF THE PLANNING COMMISSION'S ENVIRONMENTAL DETERMINATION FOR MITIGATED NEGATIVE DECLARATION NO. 191344 PREPARED FOR THE CARDENAS RESIDENCE PROJECT (LA JOLLA COMMUNITY PLAN AREA, DISTRICT 1 – PROJECT NO. 191344).

WHEREAS, on August 11, 2009, Claude-Anthony Marengo, on behalf of Joseph Cardenas, filed an application with the City of San Diego for a site development permit to construct a deck addition with supporting walls and a new landscape area to a single-family residence known as the Cardenas Residence (Project), located at 8466 El Paseo Grande, and legally described as lot 2, of Ocean Terrance Map No. 2615, in the La Jolla Community Plan area, in the Single Family (SF) zone of the La Jolla Shores Planned District; and

WHEREAS, Mitigated Negative Declaration No. 191344 [MND] was prepared for the Project and on June 30, 2010, the Hearing Officer certified the MND and approved Site Development Permit (SDP) No. 676181; and

WHEREAS, the Hearing Officer's decision was appealed to the Planning Commission of the City of San Diego (Planning Commission); and

WHEREAS, on August 12, 2010, the Planning Commission considered SDP No. 676181 and the MND, and pursuant to Resolution No. 4619-PC, voted to deny the appeals and approve the Project; and

WHEREAS, in accordance with California Public Resources Code section 21151 and San Diego Municipal Code section 112.0520, on August 23, 2010, Robertson Whittemore filed

an appeal of the Planning Commission's approval of the MND to the Council of the City of San Diego [Appeal]; and

WHEREAS, the Appeal was set for a public hearing to be conducted by the City Council of the City of San Diego (City Council); 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

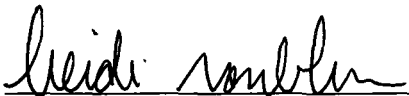
WHEREAS, the matter was set for public hearing on October 19, 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. That the Appeal is granted and Mitigated Negative Declaration No. 191344 is set aside.
2. That the Project is to be returned to the Mayor's Office for preparation of an amended mitigated negative declaration to adequately address impacts with respect to aesthetics, bulk and scale, and public views; to add a mitigation measure requiring that 75 percent of the deck walls on all three sides consist of clear glass; to perform an analysis of any potential impacts, such as bird strikes, associated with the mitigation measure to provide for clear glass;

and to perform an analysis of the La Jolla Community Plan requirement that a vertical physical public beach access be provided every 500 feet.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:cw
10/19/10
Or.Dept:DSD
Prolaw # 2010-02008