

RESOLUTION NUMBER R-306349

DATE OF FINAL PASSAGE NOVEMBER 16, 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO GRANTING THE APPEAL AND DENYING
CERTIFICATION OF MITIGATED NEGATIVE
DECLARATION NO. 182513 REGARDING THE WHITNEY
MIXED USE PROJECT – PROJECT NO. 182513.

WHEREAS, on July 28, 2010, Playa Grande, LLC, Limited Liability Company, Owners/Permittees, (collectively, Owners and Permittee), submitted an application to the City of San Diego (City) for a coastal development permit, site development permit, and tentative map waiver to demolish an existing single-story residence and ground floor retail store, and to construct a new mixed use development of approximately 8,950 square feet; and

WHEREAS, on September 9, 2010, the Planning Commission voted 5-1-1 to deny the appeals of the Hearing Officer's decision to approve the project, and approved the project as recommended by staff with no new conditions added; and

WHEREAS, on September 22, 2010 La Jolla Shores Tomorrow, c/o Julie Hamilton, Esq., and on September 23, 2010, Bernard Segal (collectively, Appellants) filed separate appeals of the Planning Commission's decision to certify Mitigated Negative Declaration No. 182513; and

WHEREAS, on November 16, 2010, the City Council conducted a public hearing and considered the issues presented by appellants; 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Appeals by La Jolla Shores Tomorrow and Bernard Segal are hereby granted; and

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that Mitigated Negative Declaration (MND) No. 182513 for the Whitney Mixed Use Project is set aside, and the matter is remanded to the Planning Commission in accordance with San Diego Municipal Code section 112.0520(f), to reconsider the environmental determination. In particular, staff should evaluate the new evidence presented in the independent geology report and re-examine whether aesthetics and neighborhood character have been adequately addressed as these issues relate to bulk and scale and neighborhood compatibility; in addition, staff should review the traffic study.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
11/19/2010
Or.Dept:DSD
PL#2010-03451