

RESOLUTION NUMBER R-306703

DATE OF PASSAGE MARCH 15, 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL OF THE PLANNING COMMISSION'S ENVIRONMENTAL DETERMINATION FOR MITIGATED NEGATIVE DECLARATION NO. 128971 PREPARED FOR THE ALTA LA JOLLA DRIVE DRAINAGE REPAIR PHASE II PROJECT, PROJECT NO. 128971.

WHEREAS, the City of San Diego, Engineering and Capital Projects Department filed an application with the City of San Diego for a Site Development Permit for the Alta La Jolla Drive Drainage Repair Phase II Project, Project No. 12871 (Project), located on a 20.75-acre site within Lot 1, Unit 15 of the La Jolla Alta Planned Residential Development, in the RS-1-4 zone and Coastal Height Limit Overlay zone, within the La Jolla Community Plan area, legally described as Pueblo Lot 1780, Lot 1 of La Jolla Alta Planned Residential Development Unit 15, depicted on Map No. 12751; and

WHEREAS, Site Development Permit No. 443956 (SDP) and Mitigated Negative Declaration No. 128971 (MND) were prepared for the Project; and

WHEREAS, on October 27, 2010, the Hearing Officer approved SDP No. 443956 and adopted MND No. 128971; and

WHEREAS, on November 8, 2010, Joseph Crudo appealed the Hearing Officer's decision to the Planning Commission of the City of San Diego; and

WHEREAS, on January 13, 2011, the Planning Commission of the City of San Diego considered SDP No. 443956 and MND No. 128971, and, pursuant to Resolution No. 4660-PC-1, voted to deny the appeal and approve the Project; and

WHEREAS, in accordance with Public Resources Code Section 21151 and San Diego Municipal Code section 112.0520, on January 28, 2011, Joseph Crudo filed an appeal of the Planning Commission's approval of MND No. 128971 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; and

WHEREAS, under San Diego City 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 March 15, 2011, 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 Council of the City of San Diego, that it is certified that MND No. 128971, 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 Administrative Code Section 15000 *et seq.*), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council of the City of San Diego.

BE IT FURTHER RESOLVED that the City Council finds that project revisions and the Mitigation Monitoring and Reporting Program mitigate potentially significant effects on the


environment previously identified in the Initial Study and, therefore, that MND No. 128971 is hereby adopted.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, or alterations to implement changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and the appeal of Joseph Crudo 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 GOLDSMITH, City Attorney

By 
Keith G. Bauerle
Deputy City Attorney

KGB:hm
03/18/11
Or.Dept:DSD
PL#2011-05753