

RESOLUTION NUMBER R- 306958

DATE OF FINAL PASSAGE JUL 26 2011

A RESOLUTION ADOPTING NEGATIVE DECLARATION  
NO. 163653 FOR THE ARCO BALBOA PROJECT.

WHEREAS, on January 9, 2009, Seven Clairemont Properties, Owner, and BP West Coast Products, LLC, Permittee, submitted an application to the City of San Diego for a Conditional Use Permit (CDP), Neighborhood Use Permit (NUP), Planned Development Permit (PDP), Site Development Permit (SDP), and Rezone for the Arco Balboa Project (Project); and

WHEREAS, on June 23, 2011, the Project was considered and recommended for approval by the Planning Commission of the City of San Diego; and

WHEREAS, the matter was set for 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 heard by the City Council on JUL 26 2011; and

WHEREAS, the City Council considered the issues discussed in Negative Declaration No.163653; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Negative Declaration No. 163653; 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

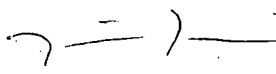
Code section 21000 *et seq.*), as amended, and the State Guidelines thereto (California Code of Regulations section 15000 *et seq.*), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of conditional use permit, neighborhood use permit, planned development permit, site development permit, and rezone for the Arco Balboa Project.

BE IT FURTHER RESOLVED, that the Council finds, based upon the whole record including 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 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

  
\_\_\_\_\_  
Nina M. Fain  
Deputy City Attorney

NMF:jls:als  
6/30/2011  
Or.Dept:DSD