

RESOLUTION NUMBER R- 309500

DATE OF FINAL PASSAGE FEB 09 2015

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL AND REVERSING THE PLANNING COMMISSION'S DECISION TO: CERTIFY MITIGATED NEGATIVE DECLARATION NO. 153840, ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM, APPROVE COASTAL DEVELOPMENT PERMIT NO. 545699, SITE DEVELOPMENT PERMIT NO. 545700, AND VESTING TENTATIVE PARCEL MAP NO. 760537 FOR THE POINT LOMA SUMMIT – PROJECT NO. 153840.

WHEREAS, Carolyn Kutzke, Trustee of the Carolyn Krutzke Trust dated January 4, 2000; Karen Kapp, Trustee of the Karen Ann Kapp Trust dated October 24, 1994, and Jim Seaman, Trustee of the Shadow Trust dated June 18, 2003, Owners, filed an application with the City of San Diego for a Coastal Development Permit and Site Development Permit, and Vesting Tentative Map to subdivide two existing lots into four lots and construct three single family residences, and retain the existing single family residence, for a total of four single family residences on four lots. The 1.45 acre project site is located at 414 La Crescentia Drive in the RS-1-4 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Coastal Impact Area), Federal Aviation Administration Part 77 Noticing Area, within the Peninsula Community Plan Area and Local Coastal Program Land Use Plan, known as the Point Loma Summit (Project); and

WHEREAS, on June 19, 2014, the Point Loma Summit project was presented to the Planning Commission; and

WHEREAS, the Planning Commission voted 5-1-1 to approve the project; and

WHEREAS, on July 3, 2014, an appeal of the Planning Commission's decision was filed by Douglas D. Holthaus; and

WHEREAS, the matter was set for public hearing on February 9, 2014, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

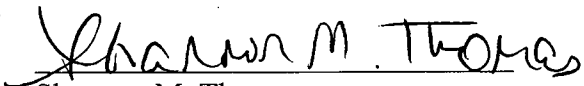
WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the 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 Council of the City of San Diego, that the appeal filed by Douglas D. Holthaus, is granted, and the decision of the Planning Commission to certify Mitigated Negative Declaration (MND) No. 153840, adopt the Mitigation Monitoring and Reporting Program and approve Coastal Development Permit No. 545699, Site Development Permit No. 545700, and Vesting Tentative Parcel Map No. 760537 for the Point Loma Summit, Project No. 153840 is reversed.

BE IT FUTHER RESOLVED, by the Council of the City of San Diego, that the following findings be stated for the record as follows: Council's areas of concerns included geological stability of the steep slopes, public safety impacts, grading and maintaining topography, discrepancy with reported deviations, no street frontage, measurement of rear setback, distance between residences, sensitive biological habitat findings and that the MND is not an adequate environmental document and does not accurately describe the scope of the

project. Council also stated that the proposed development will adversely affect the applicable Land Use Plan and the requested deviations are not appropriate.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
2/12/2015
Or.Dept:DSD
Doc. No. 954695

Passed by the Council of The City of San Diego on FEB 09 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 09 2015

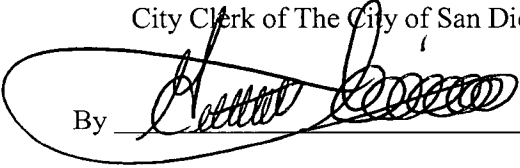
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  Deputy

Office of the City Clerk, San Diego, California

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