

RESOLUTION NUMBER R- 310213

DATE OF FINAL PASSAGE JAN 19 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND ADOPTING THE
MITIGATED NEGATIVE DECLARATION AND
MITIGATION, MONITORING, AND REPORTING PROGRAM
FOR VIA DEL MAR ESTATES – PROJECT NO. 347254.

WHEREAS, Thomas J. Kelley, Trustee of Thomas J. Kelly Separate Property Trust dated October 28, 2013, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide the property into four lots and construct four single family residences; and

WHEREAS, the 5.07-acre Via Del Mar Estates project site is located to the south and west of Via Del Mar Road and north of Arroyo Sorrento Road within the Neighborhood 8b Precise Plan area within the Carmel Valley Community Plan area; and

WHEREAS, the project site is designated Rural Residential within the Carmel Valley Community Plan and is zoned AR-1-2, and is currently vacant undeveloped land; and

WHEREAS, the surrounding properties are partially developed rural residential properties within a rural area of Carmel Valley; and

WHEREAS, the site contains steep hillsides and sensitive biological resources and therefore, is subject to the Environmentally Sensitive Lands (ESL) Regulations; and

WHEREAS, the Environmental Analysis Section of the Development Services Department prepared Mitigated Negative Declaration No. 347254 for the project in accordance with the State California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, a Mitigation, Monitoring, and Reporting Program has been prepared and will be implemented, which will reduce the potential impacts to Biological Resources, Historical Resources (Archaeology) and Paleontological Resources to a level below significance; and

WHEREAS, on September 17, 2015, the Planning Commission adopted Mitigated Negative Declaration No. 347254 and the Mitigation, Monitoring, and Reporting Program, and approved the project; and

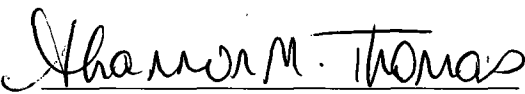
WHEREAS, on September 22, 2015, an appeal of the approval of the Mitigated Negative Declaration was filed by Theresa Quiroz; and

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 appeal was heard before the City Council on January 19, 2016, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the appeal is hereby denied and the Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program No. 347254 are adopted.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
01/22/2016
Or.Dept: DSD
Doc. No.: 1208446

Passed by the Council of The City of San Diego on JAN 19 2016, 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"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input 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"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 19 2016.

(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 *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California
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