

RESOLUTION NUMBER **313880**

DATE OF FINAL PASSAGE FEB 01 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING THE APPEAL OF THE
ENVIRONMENTAL DETERMINATION FOR 7248
ENCCELIA/7231 ROMERO CDP/SDP – PROJECT NO. 624464.

WHEREAS, on January 18, 2019, Jamz Treehouse LLC submitted an application to the City of San Diego (City) for a Coastal Development Permit and Site Development Permit to demolish an existing two-story, 5,022 square-foot single family residence and construct a three-story, 8,641 square-foot single family residence on a 0.44-acre lot at 7248 Encelia Drive and construct a three-story, 4,945 square-foot single family residence with 3,267 square-foot basement/garage on a 0.23-acre lot at 7231 Romero Drive, Project No. 624464 (Project) within the La Jolla Community Plan and Local Coastal Program area; and

WHEREAS, on September 15, 2021, the Hearing Officer of the City of San Diego approved the Project, and adopted the Mitigated Negative Declaration No. 624464 and the Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, on September 27, 2021, Ronald Schachar, M.D., Ph.D., c/o Julie Hamilton, Esq., filed an appeal of the environmental determination (Appeal); and

WHEREAS, the Appeal was set for public hearing to be conducted by the Council of the City of San Diego (Council) on February 1, 2022, testimony having been heard, evidence having been submitted, and the Council having fully considered the Appeal and being fully advised concerning the same; and

WHEREAS, the Council considered, in light of the whole record, the Mitigated Negative Declaration No. 624464, the potential impacts associated with the Project, including the analysis of the Project's aesthetic and geologic impacts, and the issues raised on appeal; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the 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 is granted as the appellant has provided substantial evidence to support a fair argument that the Project may have significant environmental impacts, and the environmental determination is set aside and returned to staff to reconsider and prepare a revised environmental document, as appropriate, in consideration of the following direction: 1) provide further analysis of the impacts to aesthetics as both Project houses exceed the allowable height and/or bulk regulations under the Municipal Code and the resulting height and/or bulk of both houses would exceed the existing patterns of development in the vicinity of the Project by a substantial margin; and 2) provide further analysis of impacts to aesthetics resulting from exceeding height and/or bulk regulations under the Municipal Code by consideration of the proposed swimming pool and the rooftop guardrail when determining overall structure height and by consideration of the light well in the floor area ratio calculation at 7248 Encelia Drive; and by consideration of the proposed rooftop guardrail and

encroachments into the maximum front yard angled building envelope plane when determining overall structure height, and by consideration of retaining wall height with no offset at 7231 Romero Drive.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jeanne L. MacKinnon
Jeanne L. MacKinnon
Deputy City Attorney

JLM:hm
February 2, 2022
Or.Dept: DSD
Doc. No.: 2879718

Passed by the Council of The City of San Diego on FEB 01 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 01 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Carrie Patterson, Deputy

Office of the City Clerk, San Diego, California

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