

ATTACHMENT A**(Description of Grounds for Appeal)**

1. The certified Negative Declaration for the Project is inadequate since it fails to consider future development that will reasonably occur with approval of the Kretowicz Residence (the "Project"). Since an off-site public viewing area was never constructed, despite being a condition of the last amendment granted to the current Coastal Development Permit governing the property located at 7957 Princess Street, it is a "reasonably foreseeable" consequence of the Project that either an off-site public viewing area, coastal access near the Project site or funding for alternative coastal access will be part of the Project and all three possibilities should be considered in any environmental document for the Project. Thus, a new environmental document should be prepared by staff to address the potential environmental impacts of all reasonably foreseeable development as a result of the Project as required under the California Environmental Quality Act ("CEQA").
2. The Planning Commission failed to make findings as required under CEQA stating why a new and more comprehensive environmental document is not required despite a reasonably foreseeable consequence of the Project being that some type of coastal access will have to be granted and there is a fair argument that such coastal access may have a significant impact on the environment and that such impacts may need to be mitigated to a level of insignificance, if not studied more comprehensively by an environmental impact report.
3. The property located at 7957 Princess Street has a "controversial" history with the City of San Diego, including numerous Code violations issued to the current owner dating back to 2001 and the need for a code compliance hearing to be held at the end of 2007. The decision of the Planning Commission is of City-wide significance and should be overturned since it inappropriately condones and rewards ignoring the law and the City's adopted land development procedures that have been carefully put in place. By approving the Project, the City weakens the important development review process that has been put in place to ensure community harmony and safety for the residents of San Diego.
4. Currently, there is a non-conforming detached structure that is part of the Project and which is located in the public-right-of-way. The decision to allow this structure and other unpermitted improvements to remain in the public-right-of-way is an issue of City-wide significance, especially when one considers the need for emergency vehicle access to the homes and structures surrounding the Project, and liability to the City should an accident occur to a person while inside the detached structure.
5. The Planning Commission failed to consider the history of Code violations on the property located at 7957 Princess Street and failed to impose conditions on the Permit granted to ensure the Applicant complies with the conditions of the Permit, particularly with regard to the condition that the detached structures currently in the public-right-of way not be used for living or sleeping purposes. The need for such conditions is of City-wide significance due to the fact that these structures are located in the public-right-of-way and may subject the City and the taxpayers to liability.

WERTZ MCDADE WALLACE MOOT BROWER

LAWYERS

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October 23, 2008

VIA HAND DELIVERY

Ms. Elizabeth Maland
City Clerk
City of San Diego
202 C Street, 2nd Floor
San Diego, CA 92101

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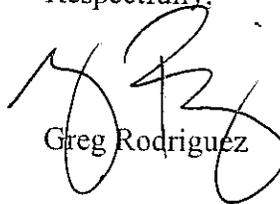
Re: Appeal to City Council re: "Kretowicz Residence;" Project No. 138513

Dear Ms. Maland:

Enclosed, please find the required documents to appeal the October 9, 2008 Planning Commission decision regarding the Project referenced above to the City Council.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Greg Rodriguez

cc: Jeff Peterson, Project Manager

Enclosures