

RESOLUTION NUMBER R- 310232

DATE OF FINAL PASSAGE JAN 26 2016

RESOLUTION DENYING AN APPEAL AND UPHOLDING  
THE ENVIRONMENTAL DETERMINATION FOR THE  
KAPLAN-GASTON RESIDENCE (PROJECT NO. 331559).

WHEREAS, an application was submitted for a Coastal Development Permit to remodel and add 884 square feet to an existing 1,559 square-foot single-family residence located at 5606 Dolphin Place (Project); and

WHEREAS, on July 24, 2015, the Environmental Analysis Section of the Development Services Department determined the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities) and a Notice of Right to Appeal Environmental Determination was posted; and

WHEREAS, on August 7, 2015, Julie Hamilton, representing Richard Kruse, filed an Environmental Determination Appeal Application (Appeal) with the City's Development Services Department stating that the environmental determination was based on factual error, conflicted with other matters, was not supported by the findings, and was subject to new information; and

WHEREAS, the appellant and applicant subsequently worked together to revise the underlying Project, and appellant withdrew the Appeal; and

WHEREAS, the Appeal was heard before the City Council on January 26, 2016; and

WHEREAS, a Notice of Exemption has not yet been filed for the Project and will only be filed after Project approval; and

WHEREAS, approval of the Project would not result in a significant effect on the environment; and


WHEREAS, the Project is exempt under CEQA Guidelines Sections 15301; 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 is hereby denied and the environmental determination is upheld.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
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Inga B. Lintvedt  
Deputy City Attorney

IBL: mm  
1/27/2016  
02/17/2016 Cor. Copy  
Or.Dept: DSD  
Doc. 1213469\_2

Passed by the Council of The City of San Diego on JAN 26 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 26 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 Hernandez*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- **310232**