

RESOLUTION NUMBER R- 311670

DATE OF FINAL PASSAGE APR 10 2018

ITEM # 330
4/10/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING ENVIRONMENTAL EXEMPTION NO. 511293 THAT THE PROJECT IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15303 FOR THE HARBOR VIEW LOT LINE ADJUSTMENT PROJECT – PROJECT NO. 511293.

WHEREAS, on September 26, 2016, Mark Peeling submitted an application for a Site Development Permit, Coastal Development Permit and a Lot Line Adjustment of three existing lots to create three reconfigured parcels located at 3328 and 3340 Harbor View Drive (Project); and

WHEREAS, the 0.97 acre site is in the RS-1-7, Coastal Overlay (Non-appealable Areas 1 and 2), Coastal Height Limit Overlay, Airport Approach Overlay, and the FAA Part 77 Noticing Area Zones within the Peninsula Community Plan area; and

WHEREAS, on January 8, 2018, the Environmental Analysis Section of the Development Services Department (DSD) determined the subject project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15303 (New Construction) and determined that the exceptions to the exemption do not apply; and

WHEREAS, a Notice of Right to Appeal was prepared and posted pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on January 17, 2018, John Linney, Chair of the Peninsula Community Planning Board, submitted an appeal of the Environmental Determination and on January 22,

2018, a second appeal of the Environmental Determination was submitted by Patrick O' Neal and Susan Mitchell; and

WHEREAS, on March 1, 2018, the City staff prepared a memorandum responding to the issues raised in the appeals for the City Council's consideration; and

WHEREAS, on April 9, 2018, the City staff prepared a supplemental memorandum responding to additional issues raised in new documents submitted by the appellants; and

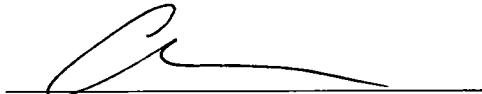
WHEREAS, the appeal was heard by the City Council on April 10, 2018; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the 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 City 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 City Council of the City of San Diego, that the appeals of the Environmental Determination for the Harbor View Lot Line Adjustment project, located at 3328 and 3340 Harbor View Drive is denied, based upon the substantial evidence provided in the record to support the exemption and the determination that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemption applies.

BE IT FURTHER RESOLVED, that the Environmental Exemption No. 511293 for the Harbor View Lot Adjustment project, is approved and the Project is exempt from CEQA, pursuant to Guidelines Section 15303.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:als
04/13/2018
Or.Dept:DSD
Doc. No.: 1725820

Passed by the Council of The City of San Diego on APR 10 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 10 2018.


(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.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311670