

RESOLUTION NUMBER R- 312164

DATE OF FINAL PASSAGE JAN 07 2019

ITEM# 205  
1/7/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15301 (EXISTING FACILITIES), 15302 (REPLACEMENT OR RECONSTRUCTION), AND 15303 (NEW CONSTRUCTION) FOR HARDIMAN RESIDENCE COASTAL DEVELOPMENT PERMIT – PROJECT NO. 550448.

WHEREAS, an application was submitted for a Coastal Development Permit (CDP) to demolish an existing one-story over-basement, 975-square-foot single-dwelling unit and construct a two-story over-basement single-dwelling unit totaling approximately 3,858 square feet on a 0.11-acre project site located at 5626 Dolphin Place (Project), in the La Jolla Community Plan area; and

WHEREAS, on September 19, 2018, the Environmental Analysis Section (EAS) 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 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), and Section 15303 (New Construction) and determined that the exceptions to the exemption do not apply; and

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

WHEREAS, on October 3, 2018, an environmental determination appeal was filed by Joseph Bruno; and

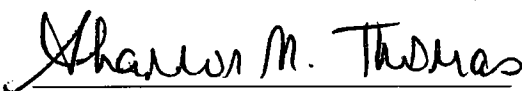
WHEREAS, the appeal was heard by the City Council on January 7, 2019; and

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 appeal of the Environmental Determination is denied, based upon the substantial evidence provided in the records to support the categorical 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 Environmental Exemption No. 550448 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Sections 15301, 15302, and 15303.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
01/08/2019  
Or.Dept:DSD  
Doc. No.: 1905323

Passed by the Council of The City of San Diego on JAN 07 2019, 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"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 07 2019

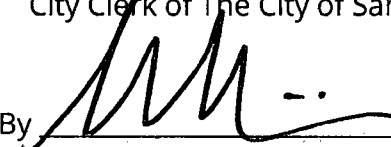
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
312164
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