

#331
9/17/19

RESOLUTION NUMBER R- 312665

DATE OF FINAL PASSAGE SEP 17 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND AFFIRMING STAFF'S DETERMINATION THAT REVISIONS TO THE LA JOLLA CHILDREN'S POOL LIFEGUARD STATION ARE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PERMITS.

WHEREAS, an application for Substantial Conformance Review (SCR) to determine that the construction of a 30-inch high retaining wall was consistent with the previously approved Coastal Development Permit/Site Development Permit/Conditional Use Permit for Project No. 627990 for the La Jolla Children's Pool Lifeguard Station (Project), within the La Jolla community Plan area was approved by staff; and

WHEREAS, prior to that approval, the Environmental Analysis Section of the Development Services Department determined the Project to be adequately addressed in Mitigated Negative Declaration No. 154844 (SCH No. 2011101019), approved on December 14, 2011, by the Hearing Officer, and therefore no subsequent analysis was needed pursuant to California Environmental Act (CEQA) Guidelines section 15162; and

WHEREAS, on June 2, 2019, an appeal of the SCR determination and the environmental determination was filed by the La Jolla Community Planning Association; and

WHEREAS, a determination pursuant to CEQA Guidelines section 15162 is not subject to an administrative appeal to the City Council, pursuant to the ruling in *San Diegans for Open Government v. City of San Diego*, 6 Cal. App. 5th 995 (2016), and therefore the environmental appeal was not considered by the City Council, and

WHEREAS, the appeal of the SCR determination was heard by the City Council on September 17, 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 is hereby denied and the SCR determination is affirmed, a decision supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Senior Deputy City Attorney

SMT:als
09/18/2019
Or.Dept: DSD
Doc. No.: 2175193

Passed by the Council of The City of San Diego on SEP 17 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 SEP 17 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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
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