

RESOLUTION NUMBER R- 312698

DATE OF FINAL PASSAGE OCT 08 2019

#332
10/8/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL EXEMPTION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION 15305 (MINOR ALTERATIONS IN LAND USE LIMITATIONS) AND SECTION 15303(a) (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) FOR DURANGO TM – PROJECT NO. 624232.

WHEREAS, Jorge Palacios filed an application with the City of San Diego for a Coastal Development Permit (CDP) and Tentative Map (TM) to subdivide an existing 0.30-acre lot into two separate lots with Parcel 1 consisting of 6,930 square feet of lot area and Parcel 2 consisting of 6,131 square feet of lot area, with an existing single-family dwelling unit to remain in Parcel 1, located at 13796 Durango Drive (Project) within the Torrey Pines Community Plan area; and

WHEREAS, the Environmental Analysis Section (EAS) of the Development Services Department (DSD) determined that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15305 (Minor Alterations in Land Use Limitations) and Section 15303(a) (New Construction or Conversion of Small Structures) and determined that the exceptions to the exemptions do not apply; and

WHEREAS, on July 1, 2019, a Notice of Right to Appeal (NORA) was prepared and posted by EAS pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on July 9, 2019, Dennis Ridz, on behalf of the Torrey Pines Community Planning Board, filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, on September 25, 2019, the City staff prepared a memorandum responding to the issues raised in the Appeal for the City Council's consideration; and

WHEREAS, the Appeal was set for public hearing to be conducted by the City Council of the City of San Diego on October 8, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, a project is exempt from CEQA under CEQA Guidelines Section 15305 if consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; and

WHEREAS, the Project involves the subdivision of one lot into two lots for the future construction of a single-family residence on the second Parcel, with the existing single-family residence to remain on the first Parcel; and

WHEREAS, the Project area is relatively flat and has an average slope of less than 20%; and

WHEREAS, the Project site is currently zoned RS-1-6 and designated Low Density Residential pursuant to the Torrey Pines Community Plan, and the Project does not propose a rezone or a change in land use; and

WHEREAS, a project is exempt from CEQA under CEQA Guidelines Section 15303(a) if it consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include one single-family residence, or a second dwelling unit in a residential zone, and up to three single family residences may be constructed or converted under this exemption in urbanized areas; and


WHEREAS, the Project involves the construction of one single-family residence on the second Parcel as a result of the subdivision of the lot; 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 record to support the exemptions and that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemptions applies.

BE IT FURTHER RESOLVED, that the Environmental Exemption No. 624232 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Sections 15305 and 15303(a).

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
10/09/2019
Or.Dept:DSD
Doc. No.: 2181524

Passed by the Council of The City of San Diego on OCT 08 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 OCT 08 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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