

RESOLUTION NUMBER R- 310236

DATE OF FINAL PASSAGE FEB 02 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING AN APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION FOR THE TIME WARNER COM HUB SWITCHING STATION PROJECT (PROJECT NO. 427117).

WHEREAS, an application was submitted for a Conditional Use Permit for a communication switching station located at 4020 Convoy Street (Project); and

WHEREAS, on October 30, 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 Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) and a Notice of Right to Appeal Environmental Determination was posted; and

WHEREAS, on November 13, 2015, Tim Nguyen and Wesley Quach filed an Environmental Determination Appeal Application (Appeal); and

WHEREAS, the Appeal was heard before the City Council on February 2, 2015; and

WHEREAS, the Project involves demolishing an existing commercial building and constructing and approximate 6,238-square-foot, unmanned communication switching station on a 0.50-acre site; and

WHEREAS, the site is currently developed with an existing market/restaurant building which has been vacant since 2011; and

WHEREAS, the Project is located on a site zoned for its use where all necessary public services and facilities are available, and is not located in an environmentally sensitive area; 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 15303; 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 City 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 

Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
February 23, 2016
Or.Dept:DSD
Doc. No.: 1218614

Passed by the Council of The City of San Diego on FEB 02 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 FEB 02 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 , Deputy

Office of the City Clerk, San Diego, California

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