

RESOLUTION NUMBER R- 310616

DATE OF FINAL PASSAGE JUL 19 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND ADOPTING THE
ENVIRONMENTAL EXEMPTION DETERMINATION FOR
7-11 CONDITIONAL USE PERMIT – PROJECT NO. 442481.

WHEREAS, an applicant constructing a 7-11 convenience store at 3911 University Avenue, pursuant to a ministerial permit, applied for a conditional use permit to operate an alcoholic beverage outlet at that location, approval of which requires an affirmative decision by the Hearing Officer; and

WHEREAS, on March 2, 2016, the Environmental Analysis Section (EAS) of Development Services Department made the determination that the Conditional Use Permit (CUP) project was exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (General Rule); and

WHEREAS, on March 11, 2016, Robert Zakar filed an appeal of that environmental determination; and

WHEREAS, EAS staff prepared a memorandum for the City Council's consideration that contains responses to the issues raised in the appeal; 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; and

WHEREAS, the appeal was heard before the City Council on July 19, 2016, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the appeal is hereby denied.

BE IT FURTHER RESOLVED, that the determination of CEQA exemption determination for this project - 7-11 Conditional Use Permit Project No. 442481 - is hereby adopted.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Keely M. Halsey
Deputy City Attorney

KMH:als
07/22/2016
Or.Dept:DSD
Doc. No.: 1326452

Passed by the Council of The City of San Diego on JUL 19 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 JUL 19 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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