

RESOLUTION NUMBER R- 310637

DATE OF FINAL PASSAGE JUL 26 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND UPHOLDING
THE ENVIRONMENTAL DETERMINATION FOR 3452
HANCOCK MEDICAL MARIJUANA CONSUMER
COOPERATIVE – PROJECT NO. 470362.

WHEREAS, an application was submitted for an amendment to a Conditional Use Permit for a medical marijuana consumer cooperative (MMCC) located at 3452 Hancock Street (Project); and

WHEREAS, on May 12, 2016, 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 section 15303 (New Construction or Conversion of Small Structures) and a Notice of Right to Appeal Environmental Determination was posted; and

WHEREAS, on May 26, 2016, Trisha Phillips filed an Environmental Determination Appeal Application (Appeal) with the City’s Development Services Department stating that the CEQA Guidelines section 15303 exemption does not apply to the Project; and

WHEREAS, the Appeal was heard before the City Council on July 26, 2016; and

WHEREAS, the Project involves the addition of 831 square feet to an existing MMCC, resulting in a total of 1,503 square foot within an existing building; and

WHEREAS, the Project is located in the IS-1-1 Zone, the Airport Influence Area, (San Diego International Airport), Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan area and Council District 2; 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, based upon evidence in the record, the Project is exempt pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and would not result in a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Appeal is hereby denied and based upon the evidence in the record, the environmental determination is upheld.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

SMT:als
07/27/2016
Or.Dept:DSD
Doc. No.: 1328742

Passed by the Council of The City of San Diego on JUL 26 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 26 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 *Hy Reed*, Deputy

Office of the City Clerk, San Diego, California

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