

RESOLUTION NUMBER R- 310898

DATE OF FINAL PASSAGE DEC 13 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING AN APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION FOR THE PALM AVENUE CONDITIONAL USE PERMIT (PROJECT NO. 481061).

WHEREAS, an application was submitted for a Conditional Use Permit for an alcoholic beverage outlet for the sale of beer and wine for off-site consumption within a 2,700 square-foot convenience store located at 3295 Palm Avenue, Project No. 481061 (Project); and

WHEREAS, on August 26, 2016, the Environmental Analysis Section of the Development Services Department made and issued an Environmental Determination that the Project was exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities) and a Notice of Right to Appeal Environmental Determination was posted; and

WHEREAS, on September 12, 2016, Rodolfo Longoria filed an Environmental Determination Appeal Application (Appeal) with the City's Development Services Department stating that the environmental determination conflicted with other matters and would affect the public welfare; and

WHEREAS, a Notice of Exemption has not yet been filed for the Project and will only be filed after Project approval; and

WHEREAS, the appeal was set for public hearing to be conducted by the City Council of the City of San Diego on December 13, 2016, and

WHEREAS, the issues on appeal were heard, and evidence in the form of testimony and other evidence were accepted into the record, by the City Council on December 13, 2016; and

WHEREAS, the City Council considered, in light of the whole record, the Environmental Determination to Categorically Exempt the Project, the potential environmental impacts associated with the Project, and the issues raised on appeal and the issues brought up at the hearing through testimony and public participation; 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, that the City Council finds, based upon the representations of City staff, public testimony, and the whole record before it, the following:

1. The Environmental Determination has been completed in compliance with CEQA and the CEQA Guidelines, that the determination reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the Development Services Department staff report and testimony and comments received during the hearing process have been reviewed and considered by this City Council in connection with the appeal of the Environmental Determination;

2. There is substantial evidence, in light of the whole record, supporting the Environmental Determination to Categorically Exempt the Project under the provisions of CEQA Guidelines section 15301;

3. A fair argument, based upon evidence found in the whole record, has not been established demonstrating that exceptions to the Categorical Exemption exist with respect to the Project; and

4. Based upon substantial evidence in light of the whole record, the Project would not result in any significant or potentially significant impacts or effects on the environment.

BE IT FURTHER RESOLVED, that the Environmental Determination of the Development Services Department is sustained, and the appeal of Rodolfo Longoria is denied.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas for  
Inga B. Lintvedt  
Deputy City Attorney

IBL:mcm  
12/14/2016  
Or.Dept: DSD  
Doc.No.1408314

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 12/13/2016

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Passed by the Council of The City of San Diego on DEC 13 2016, 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"/>
Lorie Zapf	<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"/>
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"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 13 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.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 310898