

RESOLUTION NUMBER R- 312070

DATE OF FINAL PASSAGE DEC 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND UPHOLDING
THE ENVIRONMENTAL EXEMPTION FOR 4655 RUFFNER
STREET MARIJUANA PRODUCTION FACILITY – PROJECT
NO. 604122.

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted to operate a Marijuana Production Facility (MPF) at 4655 Ruffner Street within an existing 21,210 square foot, two-story building located on a 0.83-acre site within the Kearny Mesa Community Plan area (the Project); and

WHEREAS, on September 26, 2018, the Environmental Analysis Section (EAS) of Development Services Department made the determination that the Project was exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (existing facilities); and

WHEREAS, on October 10, 2018, the environmental determination was appealed; and

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

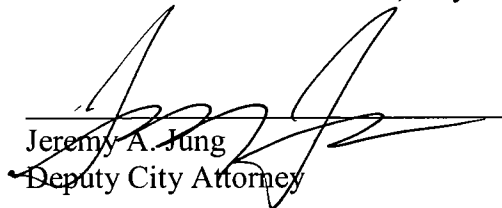
WHEREAS, the appeal was heard before the City Council on December 3, 2018, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

BE IT FURTHER RESOLVED, that the environmental determination that the Project is exempt under CEQA Guidelines section 15301 is hereby upheld.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Jeremy A. Jung
Deputy City Attorney

JAJ:nja
12/04/18
Or. Dept: DSD
Doc. No.: 1887307

Passed by the Council of The City of San Diego on DEC 03 2018, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 03 2018

(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.

By , Deputy

(Seal)

Office of the City Clerk, San Diego, California

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