

RESOLUTION NUMBER R- 312077

DATE OF FINAL PASSAGE DEC 03 2018

ITEM # 208

12/3/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND UPHOLDING
THE ENVIRONMENTAL DETERMINATION FOR 2220 NIELS
BOHR COURT - PROJECT NO. 585368.

WHEREAS, the application was submitted for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 86,288 square-foot, two-story building located on a 2.61-acre site at 2220 Niels Bohr Court, Project No. 585368 (Project), within the Otay Mesa Community Plan area; and

WHEREAS, on September 20, 2018, the Environmental Analysis Section of the Development Services Department (DSD) determined the subject project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15301 (Existing Facilities) and a Notice of Right to Appeal (NORA) Environmental Determination was posted; and

WHEREAS, an update/clarification to the Project description was needed to provide clarification for the square footage description and on September 26, 2018, the City posted a new NORA; and

WHEREAS, on October 4, 2018, an environmental determination appeal was filed by Daniel Howard; and

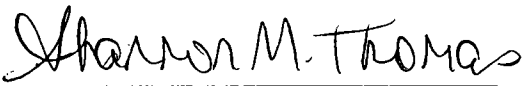
WHEREAS, the appeal was heard by the City Council on December 3, 2018; and

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; 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: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Senior Deputy City Attorney

SMT:als
12/04/2018
Or.Dept:DSD
Doc. No.: 1887671

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.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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