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RESOLUTION NUMBER R- 312177

DATE OF FINAL PASSAGE JAN 08 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL OF THE ENVIRONMENTAL DETERMINATION FOR 1028 BUENOS AVENUE, SUITE B, MARIJUANA PRODUCTION FACILITY – PROJECT NO. 585598.

WHEREAS, Willie Senn filed an application with the City of San Diego for a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF), Project No. 585598 (Project); and

WHEREAS, on October 24, 2018, the Environmental Analysis Section of the Development Services Department determined the Project to be exempt from the California Environmental Quality Act (CEQA) under the CEQA Guidelines section 15332, In-Fill Development Projects (Environmental Determination) and a Notice of Right to Appeal the environmental determination was posted; and

WHEREAS, on November 7, 2018, Julius Paeske, filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, the Appeal was set for a public hearing to be conducted by the City Council of the City of San Diego on January 8, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, a project is exempt from CEQA under CEQA Guidelines section 15332 as in-fill development if (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more

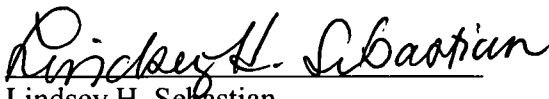
than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare, or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services; and

WHEREAS, the location of the Project is within 1,000 feet of a minor-oriented facility, which does not comply with the applicable separation regulations under the San Diego Municipal Code; 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 granted, and the Environmental Determination is set aside and returned to staff for further analysis with the understanding that this analysis will evaluate the project's impact on existing traffic patterns.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Lindsey H. Sebastian  
Deputy City Attorney

LJS:als  
01/09/2019  
Or.Dept:DSD  
Doc. No.: 1906039

Passed by the Council of The City of San Diego on JAN 08 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<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 JAN 08 2019.

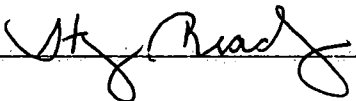
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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

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