

RESOLUTION NUMBER R- 312182

DATE OF FINAL PASSAGE JAN 14 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15303(c) (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) FOR MARIJUANA PRODUCTION FACILITY (MPF) FOR 3443 PICKWICK STREET – PROJECT NO. 603679.

WHEREAS, the application was submitted for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 1,920 square-foot, one-story building located on a 0.17-acre site at 3443 Pickwick Street (Project), within the Southeastern San Diego Community Plan area; and

WHEREAS, on October 29, 2018, the Environmental Analysis Section (EAS) 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 15303(c) (New Construction or Conversion of Small Structures) and determined that the exceptions to the exemption do not apply; and

WHEREAS, a Notice to Right to Appeal was prepared and posted pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on November 13, 2018, an environmental determination appeal was filed by Willie F. Senn; and

WHEREAS, the appeal was heard by the City Council on January 14, 2019; and

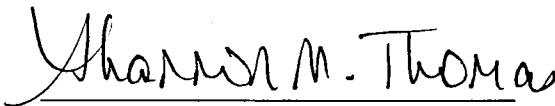
WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body

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 of the Environmental Determination is denied, based upon the substantial evidence provided in the record to support the categorical exemption and the determination that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemption applies.

BE IT FURTHER RESOLVED, that Environmental Exemption No, 603679 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Section 15303(c).

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Senior Deputy City Attorney

SMT:als
01/15/2019
Or.Dept:DSD
Doc. No.: 1909017

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SAN DIEGO, CALIF.

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Passed by the Council of The City of San Diego on JAN 14 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 14 2019.

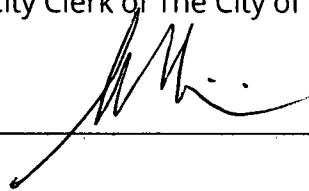
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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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