

RESOLUTION NUMBER R- 312789DATE OF FINAL PASSAGE DEC 16 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND APPROVING THE
ENVIRONMENTAL DETERMINATION TO ADOPT THE
NEGATIVE DECLARATION FOR A MARIJUANA OUTLET
AT 2281 FAIRMOUNT AVENUE – PROJECT NO. 607352.

WHEREAS, an application was submitted for a Conditional Use Permit to operate a Marijuana Outlet (MO) within a 2,800 square-foot space of an existing 3,976 square-foot commercial building located at 2281 Fairmount Avenue, project No. 607352 (Project), on a 0.50-acre site located in the IL-3-1 and OR-1-1 Zones in the City Heights community of the Mid-City Communities Plan area; and

WHEREAS, the Environmental Analysis Section (EAS) of the Development Services Department (DSD) determined there was no substantial evidence that the Project or any of its aspects may result in a significant impact on the environment and accordingly prepared Negative Declaration No. 607352 (Negative Declaration); and

WHEREAS, on September 18, 2019, the City hearing officer approved the Project and adopted the Negative Declaration; and

WHEREAS, on October 1, 2019, Taylor Jones filed an appeal of the environmental determination; and

WHEREAS, the City Council heard the appeal on December 16, 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

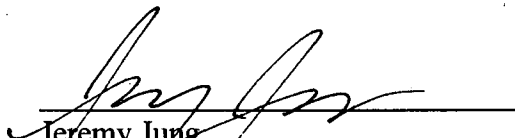
affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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 Negative Declaration and the determination that no substantial evidence has been provided to support a fair argument that the Project will result in a significant impact on the environment.

BE IT FURTHER RESOLVED, that the Negative Declaration for the Project is approved.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Jeremy Jung
Deputy City Attorney

JAJ:jdf
12/17/19
Or. Dept.: DSD
Doc. No.: 2268274

Passed by the Council of The City of San Diego on DEC 16 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 DEC 16 2019.

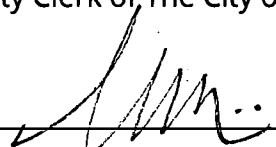
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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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