

RESOLUTION NUMBER R- 313125DATE OF FINAL PASSAGE JUN 23 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING THE APPEAL OF THE
ENVIRONMENTAL DETERMINATION FOR WEBSTER
GAS – PROJECT NO. 611561.

WHEREAS, an application was submitted to the City of San Diego for a Neighborhood Use Permit (NUP) for the installation of a gas station (Project) located at 4727 Federal Boulevard in the CC-5-3 zone and the Mid-City Communities Plan; and

WHEREAS, on April 15, 2020, the Environmental Analysis Section of the Development Services Department determined the Project to be exempt from the California Environmental Quality Act (CEQA) pursuant to 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 April 29, 2020, Adel H. Somo filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, the Appeal was set for public hearing to be conducted by the City Council of the City of San Diego (City Council) on June 23, 2020, testimony having been heard, evidence having been submitted, and the City Council having fully considered the Appeal and being fully advised concerning the same; and

WHEREAS, the City Council considered, in light of the whole record, the Environmental Determination, the potential impacts associated with the Project, including the analysis of the Project's transportation impacts, and the issues raised on appeal; 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 to analyze the Project's impacts based on the Vehicle Miles Traveled metric.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
06/24/2020
Or.Dept:DSD
Doc. No.: 2388068

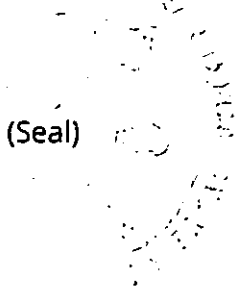
Passed by the Council of The City of San Diego on JUN 23 2020, by the following vote:

| 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input type="checkbox"/> | <input checked="" 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 JUN 23 2020

(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.)

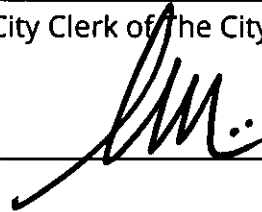
AUTHENTICATED BY:



(Seal)

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

Office of the City Clerk, San Diego, California

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