

RESOLUTION NUMBER R- 309534

DATE OF FINAL PASSAGE MAR 03 2015

A RESOLUTION DENYING AN APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION FOR THE 8863 BALBOA STE E MEDICAL MARIJUANA CONSUMER COOPERATIVE PROJECT (PROJECT NO. 368347).

WHEREAS, an application was submitted for a Conditional Use Permit for a medical marijuana consumer cooperative (MMCC) located at 8863 Balboa Avenue, Suite E (project); and

WHEREAS, on November 20, 2014, 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 15303 (New Construction or Conversion of Small Structures) and a Notice of Right to Appeal Environmental Determination was posted; and

WHEREAS, on December 1, 2014, Luis Herrera filed an Environmental Determination Appeal Application with the City's Development Services Department stating that the project should have used CEQA Guidelines section 15301, and on December 5, 2014, Danielle Sylvia filed an Environmental Determination Appeal Application with the City's Development Services Department stating that the project should have used CEQA Guidelines section 15301 (Appeals); and

WHEREAS, the Appeals were heard before the City Council on March 3, 2015; and

WHEREAS, the project involves the conversion of a 999 square foot tenant space in an urbanized area to an MMCC use with only minor modifications to the exterior of the structure, not involving the use of significant amounts of hazardous materials; and

WHEREAS, the project is located on a site zone for its use where all necessary public services and facilities are available, and is not located in an environmentally sensitive area; and

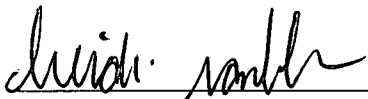
WHEREAS, approval of the project would not result in a significant effect on the environment; and

WHEREAS, the project is exempt under CEQA Guidelines Sections 15303; and

WHEREAS, under 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 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 Appeals are hereby denied and the environmental determination is upheld.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
03/06/15
Or.Dept: DSD
Doc. No. 969131

Passed by the Council of The City of San Diego on MAR 03 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<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"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 03 2015

(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 Mary Jernstedt, Deputy

Office of the City Clerk, San Diego, California

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