

#332d
01/31/17

(R-2017-335)
REV. COPY

RESOLUTION NUMBER R- 310929

DATE OF FINAL PASSAGE FEB 03 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE AMENDMENTS TO THE MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM TO ADDRESS THE ADULT USE OF MARIJUANA ACT AMENDMENTS AND MEDICAL MARIJUANA CONSUMER COOPERATIVES IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3).

WHEREAS, the City of San Diego is considering the approval of amendments to its Municipal Code to allow the retail sales of recreational marijuana and the delivery of marijuana from permitted retail facilities; the prohibition of personal outdoor cultivation of marijuana in anything other than a secured structure; prohibitions on smoking, vaping, and distribution of marijuana at Special Events (Project); and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of Projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Development Services Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) and that no

exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Project, and

WHEREAS, on January 31, 2017, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Project will not have a significant effect on the environment as the implementation of the regulatory changes to allow for the sale of Recreational Marijuana to the Municipal Code would not result in any significant environmental effects. With respect to the prohibition of agricultural operations, manufacturing, cultivation, and testing laboratories, this change in the Municipal Code, while it would result in the relocation of such agricultural operations to areas outside of the City of San Diego, the water and energy use, and production and packaging emissions associated with those operations would be the same regardless of the location. Testing of marijuana products, like other consumed products is highly regulated at a state and national level and would continue to limit such testing locations.

Transportation of the cultivated product currently occurs from areas both within and outside of the City of San Diego. It is not assured however, that marijuana cultivated within the City of San Diego is distributed in that same locale. Existing zoning use certificates on file with the City illustrate the variability of locations of production as compared to the permitted Medical Marijuana Consumer Cooperatives. It can be seen that transportation of the cultivated product is similarly variable in distance, including distribution to areas outside of the City of San Diego.

Therefore, the continued transportation of cultivated product would not significantly increase;

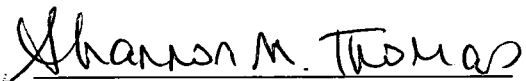
NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

BE IT FURTHER RESOLVED, that the Council of the City of San Diego has determined that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
01/13/2017
02/14/2017 Rev. Copy
Or.Dept:Planning
Doc. No.: 1421547_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: February 15, 2017

TO: Elizabeth Maland, City Clerk

FROM: Shannon M. Thomas, Deputy City Attorney *ST*

SUBJECT: Item #332d – R-2017-335 – CEQA exemption for the amendment to SDMC and the Local Coastal Program for Medical Marijuana Consumer Cooperatives – Council Meeting of January 31, 2017

We are submitting a revised copy of Resolution No.R-2017-335 to reflect additional wordings on the first recital, to read as follows:

WHEREAS, the City of San Diego is considering the approval of amendments to its Municipal Code to allow the retail sales of recreational marijuana and the delivery of marijuana from permitted retail facilities; the prohibition of personal outdoor cultivation of marijuana in anything other than a secured structure; prohibitions on smoking, vaping, and distribution of marijuana at Special Events (Project); and

SMT:als
Doc. No.: 1445203

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 31 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/13/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 31 2017, 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"/>
Lorie Zapf	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FEB 03 2017

Date of final passage _____

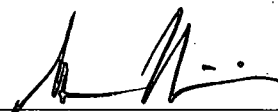
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310929