

RESOLUTION NUMBER R- 311318

DATE OF FINAL PASSAGE SEP 12 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING THE APPEAL OF THE
ENVIRONMENTAL DETERMINATION FOR 10715
SORRENTO VALLEY MEDICAL MARIJUANA CONSUMER
COOPERATIVE – PROJECT NO. 527802.

WHEREAS, 10715 Sorrento Valley Medical Marijuana Consumer Cooperative filed an application with the City of San Diego for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC), Project No. 527802 (Project); and

WHEREAS, on May 19, 2017, the Environmental Analysis Section of the Development Services Department determined the Project to be exempt from the California Environmental Quality Act (CEQA) under the CEQA Guidelines section 15303, New Construction or Conversion of Small Structures (Environmental Determination) and a Notice of Right to Appeal the environmental determination was posted; and

WHEREAS, on June 2, 2017, Preston Eggleston, filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, the Appeal was set for a public hearing to be conducted by the City Council of the City of San Diego on September 12, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, a project is exempt from CEQA under CEQA Guidelines section 15303(c) if it involves the construction of new small facilities or structures and the “conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure;” and

WHEREAS, section 15303 lists examples of projects, including projects in urbanized areas, “up to four . . . commercial buildings in urbanized areas not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive,” which would be exempt; and

WHEREAS, the project site is located in the floodway fringe (Special Flood Hazard Area Zone AE – 100 year), which falls under the San Diego Municipal Code classification of Environmentally Sensitive Lands; and


WHEREAS, the surrounding area of the site is environmentally sensitive; 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.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
September 13, 2017
Or.Dept:Planning
Doc. No.: 1580973

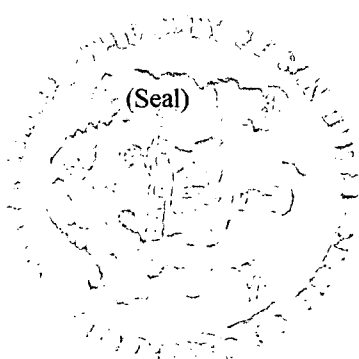
Passed by the Council of The City of San Diego on SEP 12 2017, by the following vote:

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 type="checkbox"/>	<input checked="" 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"/>

Date of final passage SEP 12 2017

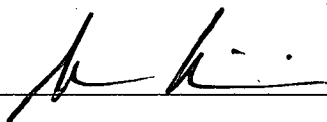
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

By , Deputy

Office of the City Clerk, San Diego, California

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