

RESOLUTION NUMBER R- 311389

DATE OF FINAL PASSAGE NOV 06 2017

ITEM # 202

11/6/17

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION FOR VALLEY GREENS CORP. – PROJECT NO. 515221.

WHEREAS, an application was submitted to the City of San Diego for a Conditional Use Permit (CUP) for a Marijuana Outlet to operate within a 2,183 square-foot tenant space within an existing 17,767 square-foot commercial office building located at 2835 Camino Del Rio South, Suite 100, in the MV-CO Zone within the Mission Valley Community Plan area; and

WHEREAS, on March 25, 2014, the City Council adopted an ordinance implementing zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC); and

WHEREAS, on February 22, 2017, City Council adopted an ordinance replacing the MMCC use with a new retail sales use, Marijuana Outlet, which would be allowed to sell both medicinal and recreation marijuana; however, retail sales of recreational marijuana would be prohibited until such time the State has begun issuing licenses for commercial marijuana activities; and

WHEREAS, the ordinance became effective on April 12, 2017, in areas of the City of San Diego outside of the Coastal Overlay Zone; and on October 12, 2017, became effective within the Coastal Overlay Zone; and

WHEREAS, on August 29, 2017, the Environmental Analysis Section (EAS) 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, the appeal was heard by the City Council on November 6, 2017; 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 hereby denied and the environmental determination is upheld.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
11/07/2017  
Or.Dept:DSD  
Doc. No.: 1619838

I certify that the following Resolution was passed by the Council of the City of San Diego, at this meeting of November 6, 2017.

ELIZABETH MALAND  
City Clerk

By Elizabeth Maland  
Deputy City Clerk

Passed by the Council of The City of San Diego on NOV 06 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"/>

Date of final passage NOV 06 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 *[Signature]*, Deputy

Office of the City Clerk, San Diego, California

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