

RESOLUTION NUMBER R-312022

DATE OF FINAL PASSAGE OCT 23 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING AN ENVIRONMENTAL DETERMINATION THAT A MARIJUANA PRODUCTION FACILITY PROJECT LOCATED AT 1555 LAUREL BAY LANE IS EXEMPT FROM CALIFORNIA QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15301 – PROJECT NO. 585579.

WHEREAS, on December 13, 2017, His & Herbs, Inc. submitted an application for Conditional Use Permit (CUP) to allow a Marijuana Production Facility (MPF) within eight commercial condominiums encompassing an entire 19,240 square-foot building located at 1555, 1561, 1567, 1573, 1579, 1585 Laurel Bay Lane, 8705 Mesa Point Terrace, and 8706 Sherwood Terrace on an 8.44-acre site (Project); and

WHEREAS, on August 20, 2018, the Environmental Analysis Section of Development Services Department (DSD) determined the subject project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15301 (Existing Facilities) and determined that the exceptions to the exemption do not apply; and

WHEREAS, a Notice to Right to Appeal was prepared and posted pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on September 4, 2018, an environmental determination appeal was filed by Ashley Schwarzman; and

WHEREAS, on October 5, 2018, the City staff prepared a memorandum responding to the issues raised in the appeal for the City Council's consideration; and

WHEREAS, the Project site is currently occupied an electrical/solar manufacturing company and a small portion provides storage for an automobile canvas cargo manufacturing company; and

WHEREAS, the Project involves the conversion of an existing structure from one industrial use to another industrial use with only minor modifications to the interior; and

WHEREAS, the appeal was heard by the City Council on October 23, 2018; and

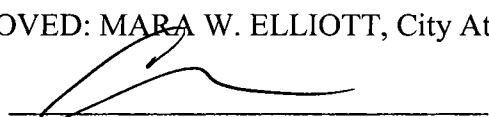
WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and 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 environmental determination appeal of the Project is denied, based upon the substantial evidence provided in the record to support the exemption and the determination that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemption applies.

BE IT FURTHER RESOLVED, that Environmental Exemption No. 585579 for the Project is approved and the Project is exempt from CEQA, pursuant to CEQA Guidelines Section 15301.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:als
10/26/2018
Or.Dept:DSD
Doc. No.: 1864328

Passed by the Council of The City of San Diego on OCT 23 2018, 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 OCT 23 2018


(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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