

RESOLUTION NUMBER R- 312076

DATE OF FINAL PASSAGE DEC 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING AN ENVIRONMENTAL DETERMINATION THAT THE PROPOSED MARIJUANA PRODUCTION FACILITY TO BE LOCATED AT 9350 TRADE PLACE IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15301 – PROJECT NO. 585463.

WHEREAS, an application was submitted for a Conditional Use Permit (CUP) to operate a Marijuana Production Facility (MPF) within an existing 40,536 square-foot, two-story building located on a 2.3-acre site at 9350 Trade Place, Suites A, B, C, and D, Project No. 585463 (Project), in the Mira Mesa Community Plan area; and

WHEREAS, on September 26, 2018, the Environmental Analysis Section (EAS) of the 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 October 10, 2018, an environmental determination appeal was filed by Elizabeth Kizzier; and

WHEREAS, the appeal was heard by the City Council on December 3, 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 appeal of the Environmental Determination is denied, based upon the substantial evidence provided in the records to support the categorical 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. 585463 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Section 15301.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
12/10/2018
Or.Dept:DSD
Doc. No.: 1888908

Passed by the Council of The City of San Diego on DEC 03 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 DEC 03 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:

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

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