

RESOLUTION NUMBER R- 312183DATE OF FINAL PASSAGE JAN 14 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION 15301 (EXISTING FACILITIES) FOR 8330 ARJONS DRIVE – PROJECT NO. 585627.

WHEREAS, Adam Knopf filed an application with the City of San Diego for a Conditional Use Permit (CUP) for a Marijuana Production Facility (MPF) located at 8330 Arjons Drive, Project No. 585627 (Project); and

WHEREAS, the Environmental Analysis Section (EAS) of the Development Services Department (DSD) determined the 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, on November 2, 2018, a Notice of Right to Appeal (NORA) was prepared and posted by EAS pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on November 19, 2018, Joshua Bubeck, filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, on December 20, 2018, the City staff prepared a memorandum responding to the issues raised in the Appeal for the City Council's consideration; and

WHEREAS, the Appeal was set for public hearing to be conducted by the City Council of the City of San Diego on January 14, 2019, 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 15301 if it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and

WHEREAS, the Project involves the conversion of an existing vacant structure (tenant space), previously occupied by a warehouse/office use, to a Marijuana Production Facility use with modification to the interior and exterior; 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 record to support the exemption and 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 the Environmental Exemption No. 585627 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Section 15301.

APPROVED: MARA W. ELLIOTT, City Attorney

By *Lindsey H. Sebastian*
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
01/15/2019
Or.Dept:DSD
Doc. No.: 1909185

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Passed by the Council of The City of San Diego on JAN 14 2019, by the following vote:

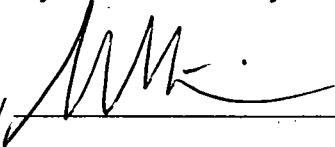
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 14 2019

(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.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312183