

RESOLUTION NUMBER R- 312241

DATE OF FINAL PASSAGE MAR 05 2019

ITEM # 330

3/5/19

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 10150 SORRENTO VALLEY ROAD, SUITE 102 – PROJECT NO. 585358.

WHEREAS, Sean St. Peter filed an application with the City of San Diego for a Conditional Use Permit (CUP) for a Marijuana Production Facility located at 10150 Sorrento Valley Road, Project No. 585358; 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 December 24, 2018, a Notice of Right of Right to Appeal (NORA) was prepared and posted by EAS pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, Amanda Soto and Catharine Brown filed an appeal of the Environmental Determination (Appeal) on January 8, 2019 and January 9, 2019, respectively; and

WHEREAS, on February 15, 2019, the City staff prepared a memorandum responding to the issues raised in the Appeal for the City Council's consideration; and

WHEREAS, on March 1, 2019, Amanda Soto withdrew her appeal; and

WHEREAS, the Appeal was set for public hearing to be conducted by the City Council of the City of San Diego on March 5, 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

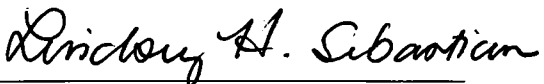
WHEREAS, the Project involves the conversion of an existing vacant space (tenant space) to a Marijuana Production Facility with modification to the interior and exterior; and

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. 585358 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  
Deputy City Attorney

LJS:als  
03/06/2019  
Or.Dept: DSD  
Doc. No.: 1944447

Passed by the Council of The City of San Diego on MAR 05 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 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"/>
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 MAR 05 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:

(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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