

RESOLUTION NUMBER R- 312260

DATE OF FINAL PASSAGE MAR 12 2019

ITEM # 331
3/12/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL DETERMINATION THAT THE MARIJUANA PRODUCTION FACILITY PROJECT AT 10110 SORRENTO VALLEY ROAD IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15301 (EXISTING FACILITIES) – PROJECT NO. 585348.

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted to operate a Marijuana Production Facility (MPF) at 10110 Sorrento Valley Road within a 40,271 square foot building located on a 12.04-acre site in the IL-3-1 zone within the Torrey Pines Community Plan area (Project); and

WHEREAS, on October 29, 2018, the Environmental Analysis Section (EAS) of Development Services Department made the determination that the Project was exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (existing facilities); and

WHEREAS, an appeal of the environmental determination was filed on November 7, 2018, which was subsequently withdrawn prior to the hearing date; and

WHEREAS, the appeal hearing is nevertheless required to be held because part of the Project area is within the Coastal Overlay Zone; and

WHEREAS, EAS staff prepared a memorandum for the City Council's consideration that contains responses to the issues raised in the appeals; 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; and

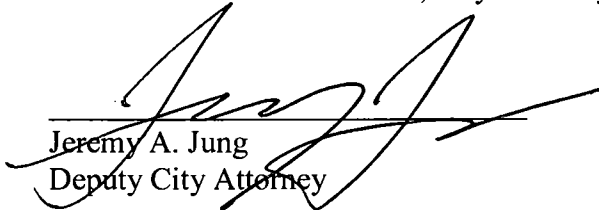
WHEREAS, the appeal was heard before the City Council on March 12, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the appeal is hereby denied.

BE IT FURTHER RESOLVED, that the environmental determination that the Project is exempt under CEQA Guidelines section 15301 is hereby approved.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jeremy A. Jung
Deputy City Attorney

JAJ:als
03/13/2019
Or.Dept:DSD
Doc. No.: 1955046

Passed by the Council of The City of San Diego on MAR 1 2 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 1 2 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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