

331  
4/16

RESOLUTION NUMBER R- 312385

DATE OF FINAL PASSAGE APR 16 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING RECIRCULATED NEGATIVE DECLARATION NO. 545299 FOR THE PROPOSED MARIJUANA OUTLET LOCATED AT 10150 SORRENTO VALLEY ROAD, SUITE 110 PROJECT NO. 545299.

WHEREAS, Helf Sorrento, LLC and Sean St. Peter (collectively the Applicant) submitted an application for a Conditional Use Permit and a Coastal Development Permit to operate a Marijuana Outlet within an existing building located at 10150 Sorrento Valley Road, Suite 110 (Project), on portions of a 12.04-acre site within the IL-3-1 zone and Coastal Overlay Zone, in the Torrey Pines Community Plan area; and

WHEREAS, the Environmental Analysis Section (EAS) of the Development Services Department determined that the project is in accordance with the State of California Quality Act (CEQA) Guidelines that no significant impacts were identified and no mitigation is required; and

WHEREAS, EAS prepared and finalized Negative Declaration No. 545299 for the Project in accordance with CEQA; and

WHEREAS, on September 19, 2018, the Negative Declaration was adopted and the Project was approved by the Hearing Officer; and

WHEREAS, on October 3, 2018, an environmental determination appeal (Appeal) and a project appeal were filed by SVRMC, LLC c/o Heather Riley; and

WHEREAS, at the November 15, 2018 environmental determination appeal hearing, City staff requested a continuance to allow for additional time to analyze new information that had recently been presented by the Appellant alleging a traffic impact; and

WHEREAS, the City Council continued the matter to January 28, 2019; and

WHEREAS, prior to the hearing on January 28, 2019, the Applicant reduced the square footage of the proposed Project from 3,980 square feet to 3,475 square feet and submitted revised plans to the City; and

WHEREAS, the Negative Declaration was revised to reflect the square footage reduction and the analysis of the Project with the reduction determined there would be no significant impacts and no mitigation is required; and

WHEREAS, the Appellant argued at the January 28, 2019 hearing that the revised Negative Declaration required recirculation under CEQA Guidelines Section 15073.5; and

WHEREAS, the City Council continued the hearing to April 16, 2019 to allow for the recirculation of the Negative Declaration; and

WHEREAS, the revised Negative Declaration was recirculated on January 30, 2019 and the public review period ended on February 28, 2019; and

WHEREAS, under Municipal Code Section 112.520 and in accordance with CEQA, an appeal of an environmental determination shall be heard by the City Council; and

WHEREAS, Municipal Code Section 112.0520(e) sets forth City Council's power to act on the appeal and the City Council retains jurisdiction of that environmental determination appeal until it acts on the appeal; and


WHEREAS, the appeal was heard by the City Council on April 16, 2019; 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 substantial evidence in the record that no significant impacts are identified and no mitigation is required.

BE IT FURTHER RESOLVED, that the recirculated Negative Declaration No. 545299, dated March 20, 2019, is approved.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
05/17/2019  
Or.Dept: DSD  
Doc. No.: 2008949

**NOTE to City Clerk:** This Resolution No. R-2019-653 cancels Resolution No. R-2019-591 adopted on April 16, 2019 (R-312385).

(Please see attached Memo)

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM**

**DATE:** May 17, 2019  
**TO:** Elizabeth Maland, City Clerk  
**FROM:** Corrine L. Neuffer, Deputy City Attorney *CLN*  
**SUBJECT:** Item 331 – Appeal of the Environmental Determination for Sorrento Valley  
Marijuana Outlet CUP – Project No. 545299 – Council Meeting of April 16,  
2019

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We are submitting a new Resolution No. R-2019-653 for Item 331, adopted by City Council on April 16, 2019 under Resolution No. R-312385. Please cancel Resolution No. R-2019-591 dated April 18, 2019 due to clerical error made on duplication of ~~resolution~~ number.

*City Atty's*

Thank you.

CLN:als  
Doc. No.: 2008980

Passed by the Council of The City of San Diego on APR 16 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 APR 16 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 *Hy Brady*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 312385