

RESOLUTION NUMBER R- 312386

DATE OF FINAL PASSAGE APR 16 2019

ITEM # 332

4/16/19

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 15303(c) (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) FOR 7920 ARJONS DRIVE, SUITE H – PROJECT NO. 585414.

WHEREAS, Norma Lee Ortiz, S.A.M.'s Management Venture, LLC filed an application with the City of San Diego for a Conditional Use Permit for a Marijuana Production Facility located at 7920 Arjons Drive, Suite H, Project No. 585414 (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 15303(c) (New Construction or Conversion of Small Structures) and determined that the exceptions to the exemption do not apply; and

WHEREAS, on January 28, 2019, a Notice to Right of Appeal (NORA) was prepared and posted by EAS pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on February 11, 2019, Will Senn filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, on March 29, 2019, 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 April 16, 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 15303(c) if it consists of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, and includes up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive; and

WHEREAS, the Project involves the conversion of an existing 5,235 square foot vacant structure (tenant space) from a warehouse/industrial use to a Marijuana Production Facility use with minor modifications to the exterior and interior of the structure, and is located within an urbanized area; does not exceed 10,000 square feet in floor area; is located on a site zoned for the proposed use; does not involve the use of significant amounts of hazardous substances; is located where all necessary public services and facilities are available; and is not located in an area that is environmentally sensitive; and

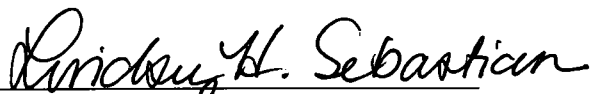
WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and 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. 585414 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Section 15303(c).

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Lindsey H. Sebastian  
Deputy City Attorney

LJS:als  
04/17/2019  
Or.Dept:DSD  
Doc. No.: 1983501

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 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 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 Ready*, Deputy

Office of the City Clerk, San Diego, California
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