

DOC# 2019-0203556



May 29, 2019 10:41 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER  
FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

WHEN RECORDED MAIL TO  
PROJECT MANAGEMENT  
PERMIT CLERK  
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007757

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2115900  
**MO 3940 HOME AVENUE - PROJECT NO. 599099**  
HEARING OFFICER

This Conditional Use Permit No. 2115900 ("Permit") is granted by the Hearing Officer of the City of San Diego to Robert Bernard Kahn, Trustee of the Robert Bernard Kahn Trust, Owner and 2018HMO, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.42-acre site is located at 3940 Home Avenue in the IL-3-1 Zone, within the Mid-City, City Heights Community Plan area. The project site is legally described as Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Outlet within an existing 8,680 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 20, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Outlet within a 2,200 square-foot portion of an existing 8,680 square-foot building. The operation shall include the requirements consistent with the State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. Off-street parking; and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 4, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on April 4, 2024. Upon expiration of this Permit, the facility and improvements described herein, except for the public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
  - c. A Marijuana Outlet Permit issued by the Development Services Department is approved in accordance with SDMC Section 42.1504.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**BUILDING OFFICIAL REQUIREMENTS:**

12. Prior to the commencement of operations granted by this Permit, the Owner/Permittee shall obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.



**CLIMATE ACTION PLAN REQUIREMENTS:**

13. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping and irrigation in the Home Avenue Right-of-Way.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the closure of all non-utilized driveway with current City Standard curb, gutter and sidewalk.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 14-foot wide driveway at the south corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 20-foot wide driveway at the north corner of the project adjacent to the site on Home Avenue, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Home Avenue.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of damaged curb and gutter, adjacent to the site on Home Avenue.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

21. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

22. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.



23. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

24. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

25. The Owner/Permittee must provide and maintain an accessible path from the building entrance to the public street.

26. The sale of marijuana shall be prohibited without a valid license from the State authorizing such activity.

27. The Marijuana Outlet must comply with Chapter 4, Article 2, Division 15 of the San Diego Municipal Code, including obtaining a Marijuana Outlet Permit, and Background Checks and Reporting Convictions.

28. Consultations by medical professionals shall not be a permitted accessory use at this Marijuana Outlet.

29. Deliveries shall be permitted as an accessory use to and from 3940 Home Avenue. Each delivery person shall be employed by the Owner or Permittee, the successor, or the person using the property at 3940 Home Avenue that is subject to this Permit.

30. The Owner/Permittee shall provide lighting to illuminate the interior of the Marijuana Outlet, façade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented, so as to deflect light away from adjacent properties.

31. The Owner/Permittee shall install and maintain operable security cameras and a metal detector for security to the satisfaction of Development Services Department. The security cameras shall have and use a recording device that maintains the recordings for a minimum of 30 days. This Marijuana Outlet shall also include alarms and two security guards. The security guards shall be licensed by the State of California. Two security guards must be on the premises during business hours. At least one security guard must be on the premises 24 hours a day, seven days a week. The security guards should only be engaged in activities related to providing security for the Marijuana Outlet, except on an incidental basis.

32. The Owner/Permittee shall install a combination of full-height bullet resistant glass, plastic or laminate shield and bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at the reception area.

33. The Owner/Permittee shall install full-height bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, at all walls adjoining common areas and other tenants, and vault room.
34. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Ground signs shall not be pole signs. A primary sign shall be posted on the outside of the Marijuana Outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.
35. The Owner/Permittee shall post and maintain a sign showing the name and emergency contact phone number of an operator or manager in a location visible from outside the Marijuana Outlet in font size at least two inches in height.
36. The Marijuana Outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
37. The use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in the SDMC Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.
38. The Owner/Permittee shall maintain the Marijuana Outlet, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times.
39. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
40. The Owner/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of eliminating excessive or offensive odors causing discomfort or annoyance to any reasonable person of normal sensitivities standing outside of the structural envelope of this Marijuana Outlet facility in compliance with SDMC Section 142.0710.
41. Medical marijuana, recreational marijuana, or marijuana products, in any form, shall not be consumed anywhere within the property.

**TRANSPORTATION REQUIREMENTS:**

42. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the re-construction of the southerly driveway to a 14 feet wide, one-way exit only driveway and the northerly driveway to a 20 feet wide driveway to current City standards, satisfactory to the City Engineer. Along with reconstruction of the driveways, the Owner/Permittee shall install red curb at the southern driveway, 30 feet of red curb to the north and 15 feet of red curb to the south; and at the northern driveway, 30 feet of red curb to the north, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to any final inspection for the building.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance. Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103(b), taxable activities include but are not limited to, transporting, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at 619-615-1580.

APPROVED by the Hearing Officer of the City of San Diego on March 20, 2019 by Resolution No. HO-7218.



Permit Type/PTS Approval No.: Conditional Use Permit No. 2115900  
Date of Approval: March 20, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

  
Tim Daly  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

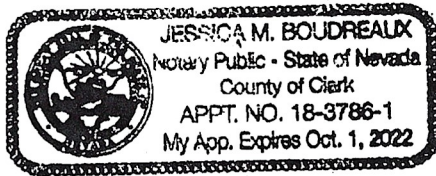
The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

State of Nevada  
County of Clark

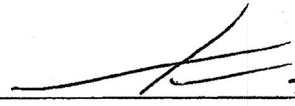
State of Nevada  
County of Clark.

This instrument was acknowledged before me on  
May 9th, 2019 by Robert B. Kahn





**ROBERT B. KAHN**  
Trustee of the Robert Bernard Kahn Trust  
Owner

By  trustee  
Name: ROBERT B Kahn Trustee  
Title: TRUSTEE ROIC TRUST

**2018HMO, LLC**  
California, limited liability company  
Permittee

By   
Name: Aaron Magary  
Title: CEO

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

**ORIGINAL**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Diego )  
 On May 28 2019 before me, Stacie L. Maxwell, Notary Public  
 Date Here Insert Name and Title of the Officer  
 personally appeared Tim Daly  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: MO 3940 Home Avenue - PTS No. 599099  
 Document Date: March 20, 2019 Number of Pages: 8  
 Signer(s) Other Than Named Above: Robert B. Kahn and Aaron Magagna

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

**ORIGINAL**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Diego )  
 On 5-8-19 before me, Quinlin R. Holmes, Notary Public  
 Date Here Insert Name and Title of the Officer  
 personally appeared Aaron MAGAGNA  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Conditional Use Permit Document Date: 5-8-19  
 Number of Pages: 8 Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: AS Abona  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☒ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: N/A

Signer's Name: N/A  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

**ORIGINAL**



HEARING OFFICER RESOLUTION NO. HO-7218  
CONDITIONAL USE PERMIT NO. 2115900  
**MO 3940 HOME AVENUE - PROJECT NO. 599099**

WHEREAS, ROBERT BERNARD KAHN, TRUSTEE of the ROBERT BERNARD KAHN TRUST, Owner and 2018HMO, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Outlet within 2,200 square-foot portions of an existing 8,680 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2115900), on portions of a 0.42-acre site;

WHEREAS, the project site is located at 3940 Home Avenue in the IL-3-1 Zone within the Mid-City, City Heights Community Plan area;

WHEREAS, the project site is legally described as Lot 5 of Home Avenue Industrial Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 5473, filed in the Office of the County Recorder of San Diego County, October 6, 1964;

WHEREAS, on October 26, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303 (c), New Construction or Conversion of Small Structures, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on March 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2115900 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 20, 2019.

**A. CONDITIONAL USE PERMIT [San Diego Municipal Code Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.**

The proposed project requests a Conditional Use Permit (CUP) to operate a Marijuana Outlet (Outlet) within an existing 8,680 square-foot building located 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the City's General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Industrial Employment designation would permit limited commercial uses, thereby an Outlet would be appropriate should the findings be made that the use promotes the policies of the General and Community Plans. The project site is within the General Industrial Land Use Area and the Commercial/Industrial area of the Economic Development Element of the Mid-City Community Plan. These designations allow for a wide variety of industrial and commercial uses, such as light manufacturing, assembly, and various commercial uses that support the goal of providing employment centers for the community.

The purpose and intent of the IL Base Zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-3-1 allows a mix of light industrial, office, and commercial uses. The proposed Outlet, and industrial use category, is a compatible use for this location with the Conditional Use Permit and is consistent with the community plan. Therefore, the proposed Outlet will not adversely affect the applicable land use.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.**

The proposed project requests a CUP to operate an Outlet within an existing 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Height Community Plan.

The building is currently being used for light industrial uses. The proposed development will not be detrimental to the public's health, safety and welfare because the discretionary permit controlling the development and continued use of this site contains specific regulatory conditions of approval. These regulations, which are implemented and enforced through the permit, are specifically intended to reduce, mitigate and/or prevent all adverse impacts to the public and community at large.

The proposed Outlet is subject to specific operational requirements and restrictions as set forth in San Diego Municipal Code (SDMC) section 141.0504 (b) through (m), which have also been incorporated as conditions in the CUP, including prohibiting consultation by medical professionals on-site; prohibiting the use of specified vending machines except by a responsible person (as defined by the SDMC); provision of interior and exterior lighting, alarms; restriction of hours of operation to between 7:00 am and 9:00 pm daily; maintenance of area and adjacent public sidewalks free of litter and graffiti, and removal of graffiti within 24 hours; and restriction of signage to business name, two-color signs, and alphabetic characters.

The CUP also includes additional security conditions to improve the safety of the building and surrounding neighborhood, including the provision of operable surveillance cameras and a metal detector; use of cameras with a recording device that maintains records for a minimum of 30 days; two security guards during business hours with one security guard present on the premises 24 hours a day, seven days a week; installation of bullet resistant glass, plastic, or laminate shield at the reception area to protect employees; and installation of bullet resistant armor panels or solid grouted masonry block walls, designed by a licensed professional, in common areas with other tenants, reception area, and vault room. Outlets must also operate in compliance with SDMC Chapter 4, Article 2, Division 15, which provides requirements for lawful operation.

Furthermore, construction of the project authorized through this permit will be subject to all adopted building, electrical, mechanical, fire and plumbing codes, which will be enforced through construction review and building inspections.

Outlets must comply with SDMC section 141.0504 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. Outlets must also be a minimum distance of 100 feet from a residential zone. The proposed Outlet complies with the separation requirements between uses set forth in SDMC section 141.0504 (a).

The proposed project will be required to comply with the development conditions as described in the CUP No. 2115900. The CUP No. 2115900 will be valid for five years and may be revoked if the Owner or Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit. Therefore, the proposed Outlet will not be detrimental to the public health, safety and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The proposed project requests a CUP to operate an Outlet within an existing 8,680 square-foot building located at 3940 Home Avenue. The 0.42-acre site is located within the IL-3-1 Zone within the Mid-City, City Heights Community Plan. The IL-3-1 Zone regulations allow for an Outlet with a CUP pursuant to SDMC sections 131.0522 and 141.0504.



The site was developed on 1974. The project proposes interior improvements to convert an existing office and warehouse facility for commercial retail sales of marijuana products. Other minor site improvements are proposed consistent with the City of San Diego requirements.

Outlets must comply with SDMC section 141.0504 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. Outlets also must be a minimum distance of 100 feet from a residential zone. The proposed Outlet complies with the separation requirements between uses set forth in SDMC sec. 141.0504 (a). The proposed Outlet is subject to specific operations requirements for security, such as, lighting, security cameras, alarms, and security guards, as referenced in CUP No. 2115900. Outlets must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The CUP for this project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC regulations of the for an Outlet. No variance or deviations are requested as part of this application, nor are any required to approve the CUP. Therefore, the proposed development will comply with the regulations of the Land Development Code.

**d. The proposed use is appropriate at the proposed location.**

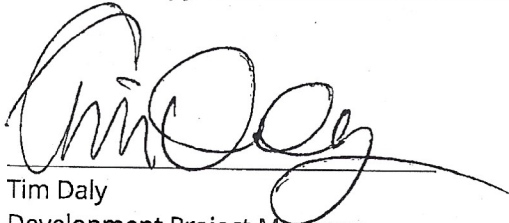
The project proposes to operate an Outlet within an existing 8,680 square-foot building located at 3940 Home Avenue. The site and the surrounding parcels are located in the IL-3-1 Zone, and within the General Industrial Land Use Area and the Commercial/Industrial area of the Economic Development Element of the Mid-City Community Plan. These designations allow for a wide variety of industrial and commercial uses, such as light manufacturing, assembly, and various commercial uses that support the goal of providing employment centers for the community. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The proposed Outlet, classified as commercial retail use, is consistent with the community plan designation.

Outlets require compliance with SDMC section 141.0504 (a), which require a 1,000-foot separation, measured between property lines from, resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. Outlets also require a minimum distance requirement of 100 feet from a residential zone. The proposed Outlet complies with the separation requirements between uses set forth in SDMC section 1141.0504 (a). The proposed Outlet is subject to specific operations requirements for security, such as lighting, security cameras, alarms, and security guards, as referenced in CUP No. 2115900. Outlets must also operate in compliance with SDMC Chapter 4, Article 2, Division 15, which provides regulations for lawful operation.

The proposed Outlet is consistent with all land development regulations relevant for the site and use. No deviations are required or requested to approve the CUP. The proposed Outlet is a compatible use for this location with a CUP. Therefore, the proposed Outlet is an appropriate use at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2115900 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2115900, a copy of which is attached hereto and made a part hereof.

A handwritten signature in black ink, appearing to read 'Tim Daly', is written over a horizontal line.

Tim Daly  
Development Project Manager  
Development Services

Adopted on: March 20, 2019

IO#: 24007757