

DOC# 2019-0227101



Jun 12, 2019 09:57 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$53.00 (SB2 Atkins: \$0.00)

PAGES: 14

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: 24007926

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2167710

MPF 3920 HOME AVENUE - PROJECT NO. 611536

HEARING OFFICER

This Conditional Use Permit No. 2167710 ("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 2018HMPF, 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 Production Facility 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 6, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility within an existing 8,680 square-foot building, including improvements to the building's mezzanine level for the operations. 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. The Marijuana Production Facility operations include facilities for the cultivation, manufacturing, processing, packaging and distribution of cannabis, as well as a restroom;
- c. Off-street parking; and
- d. 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

ORIGINAL

[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 March 20, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 20, 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.
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.

ENGINEERING REQUIREMENTS:

13. 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.
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 Beech Street Right-of-Way.
15. 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.
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 20-foot wide driveway at the north 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 reconstruction of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Home Avenue.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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:

23. No fewer than four (4) automobile parking spaces as shown on Exhibit "A". 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.
24. A maximum of four employees shall be allowed on-site at any given time to correspond to the four parking spaces provided for the Marijuana Production Facility.
 25. All operations, including equipment and storage, shall be conducted indoors within a secured structure. Greenhouses are prohibited.
 26. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
 27. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
 28. The name and emergency contact phone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.
 29. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
 30. The sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.
 31. The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.
 32. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
 33. The facility shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility to the satisfaction of the Development Services Department.

34. The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.1004(a) has located within the required distance after the approval date of the initial Conditional Use Permit.

TRANSPORTATION REQUIREMENTS:

35. 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.

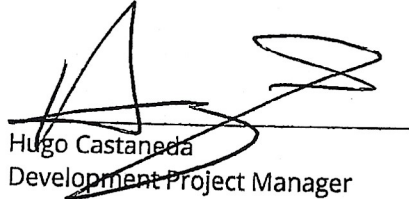
INFORMATION ONLY:

- 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 6, 2019 by Resolution No. HO-7213

Permit Type/PTS Approval No.: Conditional Use Permit No. 2167710
Date of Approval: March 6, 2019


AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


Hugo Castaneda
Development Project Manager

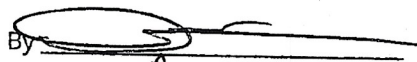
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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.

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

By 
Name:
Title: AKA Robert B Kahn

2018HMPF, LLC
California, limited liability company
Permittee

By 
Name: Aaron Magagnoli
Title: CEO

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

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 San Diego)
 County of _____)
 On 6.5.19 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: 6.5.19
 Number of Pages: 7 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: As Above
☐ 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

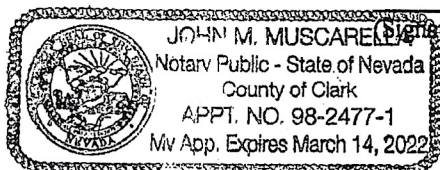
PLEASE SEE ATTACHED LOC,
CONDITIONAL USE PERMIT

State of Nevada

County of CLARK

This instrument was acknowledged before me on
6/6/2019 by ROBERT BERNARD KAHN

(Notary Stamp)



[Signature]
Signature of notarial officer)
Signature

[Signature]
ROBERT B KAHN TRUTH
John M. Muscarella

ORIGINAL

CALIFORNIA 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 June 11, 2019 before me, Rose Marie White, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Hugo Castaneda
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 Rose Marie White
Signature of Notary Public

Place Notary Seal and/or Stamp Above

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: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
<input type="checkbox"/> Corporate Officer – Title(s): _____	<input type="checkbox"/> Corporate Officer – Title(s): _____
<input type="checkbox"/> Partner – <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner – <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
Signer is Representing: _____	Signer is Representing: _____

ORIGINAL

HEARING OFFICER RESOLUTION NO. HO-7213
CONDITIONAL USE PERMIT NO. 2167710
MPF 3940 HOME AVENUE. - PROJECT NO. 611536

WHEREAS, ROBERT BERNARD KAHN, TRUSTEE of the ROBERT BERNARD KAHN TRUST, Owner and 2018HMPF, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within 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. 2167710), 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 18, 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 15303c) (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 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2167710 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 6, 2019.

A. CONDITIONAL USE PERMIT [SDMC 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 to operate a Marijuana Production Facility (MPF) 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 site is within the Light Industrial Land Use Area of the Mid-City, City Height Community Plan. The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors and similar uses. The IL-3-1 Zone allows a mix of light industrial, office, and commercial uses. The proposed MPF, 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 MPF 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 Conditional Use Permit to operate an MPF 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 project proposes to include cultivation, manufacturing, packaging and distribution of cannabis products to State of California License outlets. No retail sales are proposed. The proposed project will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permits, satisfactory to the Building Official. Public improvements will include the removal and replacement of two existing driveways, curb, gutter, and sidewalk fronting the site on Home Avenue, per current City Standards.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC) Section 141.1004, 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. MPF's also require a minimum distance of 100 feet from a residential zone. The proposed MPF complies with the separation requirements between uses set forth in SDMC Section 141.1004 (a). Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and

be present on the premises during business hours. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2167710. The Conditional Use Permit No. 2167710 will be valid for five years and may be revoked if the Owner/Permittee violates the terms, conditions, lawful requirements, or provisions of the Permit.

The proposed development will not be detrimental to the public's health, safety and welfare in that the discretionary permit controlling the use of this site contains specific regulatory conditions of approval, as referenced in the Conditional Use Permit No. 2167710. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF 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 Conditional Use Permit to operate an MPF 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 site was developed on 1974. The project proposes interior improvements to convert an existing office and warehouse facility for cultivation, processing, packaging and distribution of marijuana products. Other minor site improvements are proposed consistent with the City of San Diego requirements.

MPF's are allowed in the IL-3-1 Zone of the Mid-City, City Heights Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC, Section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires 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. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed MPF's comply with the separation requirements between uses set forth in SDMC Section 141.1004 (a). Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MPF is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. Therefore, the proposed MPF will comply with the regulations of the Land Development Code.

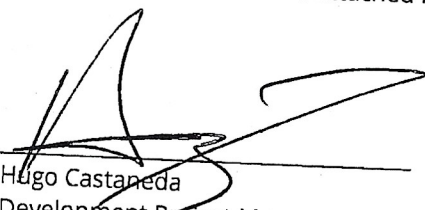
d. The proposed use is appropriate at the proposed location.

The project proposes to operate an MPF 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 is within the Light Industrial Land Use Area of the Mid-City, City Heights Community Plan. The Light Industrial designation is intended to accommodate manufacturing, part suppliers, machine shops, cleaning and dyeing works, building contractors, distributors and similar uses. The IL-3-1 Zone allows a mix of light industrial and office, and commercial uses. The proposed MPF's, classified as industrial, is consistent with the community plan designation.

The proposed MPF is consistent with all land development regulations relevant for the site and use. No deviations are required or requested to approve the Conditional Use Permit. The proposed MPF is a compatible use for this location with a Conditional Use Permit. Therefore, the proposed MPF 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. 2167710 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. 2167710, a copy of which is attached hereto and made a part hereof.



Hugo Castaneda
Development Project Manager
Development Services

Adopted on: March 6, 2019
IO#: 24007926