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May 13, 2020 10:29 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER
FEES: \$59.00 (SB2 Atkins: \$0.00)

PAGES: 16

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: 24008029

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2202096

MARIJUANA PRODUCTION FACILITY 4425 CONVOY STREET - PROJECT NO. 616814
HEARING OFFICER

This Conditional Use Permit No. 2202096 (Permit) is approved by the Hearing Officer of the City of San Diego to MB-STAR CENTER, LLC, Owner, and XTRACTA DISTRIBUTION, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 1.57-acre site is located at 4425 Convoy Street, Suite 106, in the IL-3-1 Zone, within the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field Safety Zone 2, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones and the Kearny Mesa Community Plan area. The project site is legally described as: as Parcel 1 of Map No. 14970, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the office of the County Recorder of San Diego County, September 6, 1987.

Subject to the terms and conditions set forth in this Permit, permission is approved to Owner/Permittee to operate a Marijuana Production Facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility in an existing 8,699 square-foot suite, located on the ground floor, within an existing 25,164-square-foot, two-story building;
- b. The operation shall include the production of marijuana products consistent with the requirements of the State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations; and the wholesale distribution and storage of marijuana products;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and

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- e. 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 December 18, 2022.
2. This Conditional Use Permit and corresponding use of this site shall expire on December 18, 2024. Upon expiration of this Permit, the facilities and building improvements described herein shall be removed from this site and the property restored to its original condition.
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;
 - b. The Permit is recorded in the Office of the San Diego County Recorder; and
 - c. A Marijuana Production Facility operational 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 Federal, 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 building 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 the 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 assure, by permit and bond, the reconstruction portion of the existing sidewalk per current City Standards, adjacent to the site on Armour Street, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing driveways per current City Standards, SDG-159, adjacent to the site on Armour Street and Convoy Street, satisfactory to the City Engineer.

16. 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.

LANDSCAPE REQUIREMENTS:

17. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

18. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

19. Prior to issuance of any construction permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)5.

20. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

21. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

22. The Owners/Permittee 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.

23. All operations shall be conducted indoors within a secured structure. All equipment and storage shall also be located a secure structure.

24. 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 to deflect light away from adjacent properties.

25. 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.

26. The name and emergency contact telephone 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.

27. An annual operating permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.

28. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC 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.

29. 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.

30. The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

TRANSPORTATION REQUIREMENTS:

31. 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.

32. Prior to the issuance of any construction permit, the Owner/Permittee shall record a shared use/mutual access agreement with 4433 Convoy Street (APN 356-290-07-00) as shown in the Exhibit "A", in favor of both parties, to the satisfaction of the City Engineer.

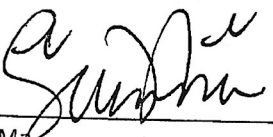
INFORMATION ONLY:

- 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, manufacturing, 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 December 4, 2019 and Resolution No. 7297.

Permit Type/PTS Approval No.: CUP No. 2202096
Date of Approval: December 4, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

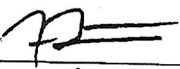


Sammi Ma
Development Project Manager

**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.

MB-Star Center, LLC
Owner

By 
NAME Marc R. Breetten
TITLE Authorized Officer

Xtracta Distribution, LLC
Permittee

By _____
NAME
TITLE

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

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Sammi Ma
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.

MB-Star Center, LLC
Owner

By _____
NAME
TITLE

Xtracta Distribution, LLC
Permittee

By 
NAME STEVEN MICHAEL DANG
TITLE MANAGER / MEMBER

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



SEE ATTACHED FORM

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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 6, 2020 before me, Silvia Ybarra, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Sammi Ma
 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: Marijuana Production Facility - Project No. 616814, Cond. Use -
 Document Date: 12/4/19 (Permit No. 2202096) Number of Pages: 7
 Signer(s) Other Than Named Above: _____

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: _____

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ACKNOWLEDGMENT

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 March 17, 2020 before me, Caitlyn Dawn Farlow, Notary Public
(insert name and title of the officer)

personally appeared Marc R. Bratten
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.

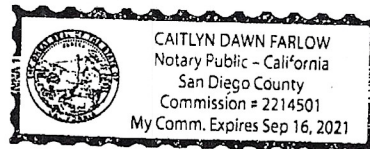
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Caitlyn Dawn Farlow

(Seal)



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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 March 25, 2020 before me, Mireya Limon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Steven Michael Dominguez
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.



Place Notary Seal and/or Stamp Above

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

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HEARING OFFICER RESOLUTION NO. HO-7297
CONDITIONAL USE PERMIT NO. 2202096

MARIJUANA PRODUCTION FACILITY 4425 CONVOY STREET - PROJECT NO. 616814

WHEREAS, MB-STAR CENTER, LLC., a California Limited Liability Company, Owner, and XTRACTA DISTRIBUTION LLC., a California Limited Liability Company, Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate a Marijuana Production Facility in an 8,699-square-foot tenant suite within an existing 25,164-square-foot, two-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2202096 on portions of a 1.57-acre site;

WHEREAS, the project site is located at 4425 Convoy Street, Suite 106, in the IL-3-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field Safety Zone 2, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones, within the Kearny Mesa Community Plan area;

WHEREAS, the project site is legally described as: Parcel 1, of Map No. 14970, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the office of the County Recorder of San Diego County, September 6, 1987;

WHEREAS, on April 10, 2019, 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 Sections 15301 (Existing Facilities) and 15303(c) (New Construction or Conversion of Small Structures), and the Environmental Determination was appealed to City Council, which appeal was withdrawn on July 22, 2019;

WHEREAS, on December 4, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2202096 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 that it adopts the following findings with respect to Conditional Use Permit No. 2202096:

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 project is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in an 8,699-square-foot tenant space, Suite 106, within an existing 25,164-square-foot, two-story building. The 1.57-acre site is located at 4425 Convoy Street in the IL-3-1 Zone. The site is also located within the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field Safety Zone 2, the Airport Influence Area (MCAS Miramar Review Area 2 and Montgomery Field Review Area 1), the Federal Aviation Authority (FAA) Part 77 Noticing Area (MCAS Miramar and Montgomery Field), and the Transit Priority Area Overlay Zones within the Kearny Mesa Community Plan area.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The proposed MPF, classified as an industrial use, is a compatible use for this location with a CUP and is consistent with the community plan, and therefore the proposed development will not adversely affect the applicable land use plan.

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

The project is a request for a Conditional Use Permit to operate a MPF in an 8,699-square-foot tenant space within an existing 25,164-square-foot, two-story building located at 4425 Convoy Street in the IL-3-1 Zone of the Kearny Mesa Community Plan. The site has several structures consisting of multiple suites that currently include commercial office, retail, and eating and drinking establishments. The suite in the rear eastern side of the property contains an existing MPF allowed per Ordinance-20859. The total number of MPF's is restricted to forty City-wide and are allowed within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code

(SDMC), section 141.1004, which 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. MPF's also have a minimum distance requirement of 100 feet from a residential zone. City staff has reviewed the 100-foot radius map identifying residential zones, and the 1,000-foot radius map and spreadsheet exhibit identifying all uses and has determined that the project complies with the separation requirements as set forth in SDMC Section 141.1004.

The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as 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. 2202096. Conditional Use Permit No. 2202096 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. 2202096, including security requirements. 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 project is a request for a Conditional Use Permit to operate a MPF in an 8,699-square-foot tenant space within an existing 25,164-square-foot, two-story building located at 4425 Convoy Street in the IL-3-1 Zone of the Kearny Mesa Community Plan.

The total number of MPF's is restricted to forty City-wide and are allowed within light and heavy industrial zones with a Conditional Use Permit. The proposed use requires compliance with San Diego Municipal Code (SDMC), Section 141.1004 and 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. 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.

The Project site is designated for Industrial and Business Parks uses by the Kearny Mesa Community Plan. The Industrial and Business Parks designation is intended to accommodate manufacturing, storage, warehousing, distribution, and similar uses. The Industrial and Business Park designation would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities.

The proposed MPF is consistent with all land development regulations relevant for the site, the use is consistent with the Kearny Mesa Community plan, 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.

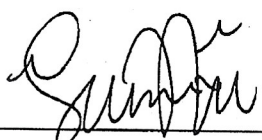
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The proposed MPF conforms with adopted City Council policies and regulations of the Land Development Code. The design of the proposed Project complies with the development regulations for Industrial Use Category - Separately Regulated Uses, Marijuana Production Facilities pursuant to SDMC Chapter 14, Article 1, Division 10. 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. 2202096 is hereby APPROVED by the Hearing Officer to the referenced Owner/Permittee.



Sammi Ma
Development Project Manager
Development Services

Adopted on: December 4, 2019
IO#: 24008029