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Aug 15, 2019 10:39 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: 24007809

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2135497  
**MPF 4655 RUFFNER STREET - PROJECT NO. 604122**  
PLANNING COMMISSION

This Conditional Use Permit No. 2135497 is granted by the Planning Commission of the City of San Diego to Tri T. Nguyen and Chi T. Luong, Trustees of the Nguyen Family Trust, dated February 20, 2008, Owner, and Doug McCrady, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.83-acre site is located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The project site is legally described as Parcel B of Parcel Map No. 1208, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on January 2, 1973 as Instrument No. 73-000494 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 13, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 21,210 square-foot, two-story building. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis manufacturing and distribution;
- 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 June 13, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 6, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any 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 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 construction permits. The Owners/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 Owners/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 Owners/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 Owners/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 Owners/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/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, Owners/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 Owners/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 Owners/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittee.

**BUILDING OFFICIAL REQUIREMENTS:**

12. Prior to the commencement of operations granted by this Permit, the Owners/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. 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.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Ruffner Street and Opportunity Road public right-of-way, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the two existing driveways on Opportunity Road and Ruffner Street to ADA compliant and current City Standards, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all non-standard lawn in the Ruffner Street and Opportunity Road public right-of-way.

17. Prior to the issuance of any construction permit, the Owners/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices (BMPs) necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit the Owners/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:**

19. Prior to issuance of any construction permits, the Owner/Permittee shall submit plans that show landscaping equivalent to the previously conforming condition consistent with City of San Diego Landscape Standards per SDMC 142.0406, to the Development Services Department for approval. Any landscaping that is removed or damaged during construction shall be replaced in kind.

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, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District of other approved entity.

21. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees shall not be permitted.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans 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 of Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

23. 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 39 employees shall be allowed on-site at any given time to correspond to the overall 42 provided parking spaces for the project.

25. 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.

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

27. 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.

28. 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.

29. 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.

30. A permit shall be obtained as required pursuant to SDMC Chapter 4, Article 2, Division 15.

31. 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.

32. 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.

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

34. **[PLANNING COMMISSION CONDITION]** The Owner/Permittee shall provide active office spaces and reception area uses on the first floor of the building, fronting the window areas along Ruffner Road and Opportunity Road, public right-of-way. No storage spaces shall front the building's first floor window areas along Ruffner Road and Opportunity Road, public right-of-way.

35. **[PLANNING COMMISSION CONDITION]** The Owner/Permittee shall improve the building façade and consistent with Building Energy Efficiency Standards, California Code of Regulations Title 24, shall increase the percentage of the building's window glass area to the maximum acceptable pursuant to the code.

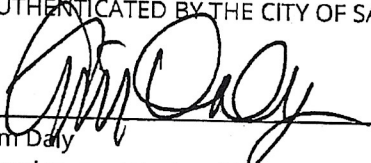
**INFORMATION ONLY:**

- 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 Planning Commission of the City of San Diego on June 13, 2019 by Resolution No. 5017-PC.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2135497  
Date of Approval: June 13, 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.**

**Tri T. Nguyen, Trustee of the Nguyen Family Trust,  
dated February 20, 2008 AKA TRI THUONG NGUYEN**  
Owner

By 

**Chi T. Luong, Trustee of the Nguyen Family Trust,  
dated February 20, 2008 AKA CHITHI THANH LUONG**  
Owner

By 

**Doug McCrady AKA DOUGLAS BRUCE MCCRADY**  
Permittee

By 

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

**See Attached Notorial Certificate**

**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 August 14, 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 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: MPF 4655 Ruffner Street - Project No. 604122Document Date: June 13, 2019Number of Pages: 7Signer(s) Other Than Named Above: Tri T. Nguyen, Chi T. Luong and Doug McCrady---**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 CERTIFICATE OF 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 07/12/2019 before me, DANNY NGUYEN, Notary Public  
(here insert name and title of the officer)

personally appeared TRI THUONG NGUYEN & CHI THI THANH LUONG

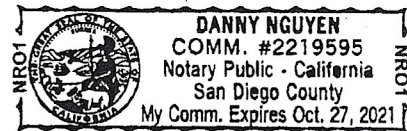
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

D. Nguyen



(Seal)

## Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of CONDITIONAL USE PERMIT

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- ☒ Individual(s)  
☐ Attorney-in-Fact  
☐ Corporate Officer(s)

Title(s)

- ☐ Guardian/Conservator  
☐ Partner - Limited/General  
☐ Trustee(s)  
☐ Other: \_\_\_\_\_

representing: \_\_\_\_\_

Name(s) of Person(s) or Entity(ies) Signer Is Representing

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:  
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 61 Entry # 5 & 6

Notary contact: DANNY NGUYEN

Other (858) 277 3999

☐ Additional Signer(s) ☒ Signer(s) Thumbprint(s)

☐

**ORIGINAL**

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF 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 August 13<sup>th</sup> 2019 before me, Razvan Daniel Hicks, Notary Public  
(Here insert name and title of the officer)

personally appeared Douglas Bruce McCrady,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) (S) are subscribed to the within instrument and acknowledged to me that  
(S) he/she/they executed the same in (S) his/her/their authorized capacity(ies), and that by  
(S) 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.



Razvan Daniel Hicks  
Notary Public Signature

(Notary Public Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Permit

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 1 Document Date 08/13/19

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).

ORIGINAL

PLANNING COMMISSION RESOLUTION NO. 5017-PC  
CONDITIONAL USE PERMIT NO. 2135497  
**MPF 4655 RUFFNER STREET - PROJECT NO. 604122**

WHEREAS, TRI T. NGUYEN AND CHI T. LUONG, TRUSTEES OF THE NGUYEN FAMILY TRUST, DATED FEBRUARY 20, 2008, Owner, and DOUG MCCRADY, Permittee, filed an application with the City of San Diego for a permit to operate a 21,210 square-foot Marijuana Production Facility within an existing two-story building at 4655 Ruffner Street (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2135497), on portions of a 0.83-acre site;

WHEREAS, the project site is located at 4655 Ruffner Street in the IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel B of Parcel Map No. 1208, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on January 2, 1973 as Instrument No. 73-000494 of official records;

WHEREAS, on September 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 15301, Existing Facilities, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312070;

WHEREAS, on February 20, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2135497; and

WHEREAS, on March 4, 2019, Charles Wang, filed a Development Permit Appeal Application; March 6, 2019, Khoa Nguyen, filed a Development Permit Appeal Application; and March 6, 2019, RS Industries, filed a Development Permit Appeal Application (Appeals); and

WHEREAS, on June 13, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2135497 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by Planning Commission of the City of San Diego, that it denies the Appeals and adopts the following findings with respect to Conditional Use Permit No. 2135497:

**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 is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within an existing 21,210 square-foot building located at 4655 Ruffner Street. The 0.83-acre project site is in the IL-2-1 Zone, and the Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Montgomery Field - Noise 60-65 CNEL and Safety Zone 6, 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 in 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 Conditional Use Permit and is consistent with the community plan, and therefore 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 proposed project is a request for a Conditional Use Permit to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan. The existing building, with multiple suites, is currently being used for commercial offices and light industrial uses. The project proposes interior improvements that include offices, storage, manufacturing, and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements 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 permit, satisfactory to the Building Official. Public improvements would include the reconstruction of the existing driveways and curb ramp, adjacent to the project site on Ruffner Road and Opportunity Road with 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 have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC Section 141.1004 (a).

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. 2135497. The Conditional Use Permit No. 2135497 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. 2135497. 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 is a request for a Conditional Use Permit to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

MPF's are allowed in the IL-2-1 Zone of the Kearny Mesa Community Plan 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 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.**

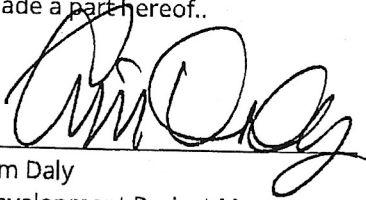
The proposed project is a request for a Conditional Use Permit to operate an MPF within an existing 21,210 square-foot building located at 4655 Ruffner Street in the IL-2-1 Zone of the Kearny Mesa Community Plan.

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 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 the Appeals are denied, the decision of the Hearing Officer is affirmed, and based on the Findings hereinbefore, Conditional Use Permit No. 2135497 is hereby granted by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2135497, a copy of which is attached hereto and made a part hereof..



Tim Daly  
Development Project Manager  
Development Services

Adopted on: June 13, 2019

IO#: 24007809