

DOC# 2019-0028509



Jan 25, 2019 11:30 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER
FEES: \$62.00 (SB2 Atkins: \$0.00)

PAGES: 17

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: 24007570

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2066720

MPF 4909 PACIFIC HIGHWAY, PROJECT NO. 585434

HEARING OFFICER

This Conditional Use Permit No. 2066720 is granted by the Hearing Officer of the City of San Diego to RAP Holdings, LLC, a California Limited Liability Company and United Partners, LLC, a California Limited Liability Company, Owner, and Golden State Greens, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 1.02-acre site is located at 4909 Pacific Highway in the IL-3-1 Zone, within the Linda Vista Community area. The project site is legally described as Lot 272 of the Pueblo Lands of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in May 1870, a copy of which said Map was filed in the Office of the County Recorder of San Diego County November 14, 1921 and is known as miscellaneous Map No. 36. Abutters right of ingress and egress to or from State Highway have been relinquished in the document recorded November 20, 1951 in Book 4295, Page 345 and October 1, 1951 in Book 4249, Page 370, both of Official Records. An Easement and rights incidental thereto as granted in a document. In favor of the San Diego Gas and Electric Company for the purpose of public utility, ingress and egress, recorded, May 14, 1945, Book 1876 and Page 88, of Official Records affecting a portion of said land.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 32,830 square-foot Marijuana Production Facility within an existing 32,830 square-foot building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 7, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a 32,830 square foot Marijuana Production Facility within an existing 32,820 square-foot, one-story building, located at 4909 Pacific Highway. The operation shall include requirements consistent with the of State of California statutes and California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include administrative space, restrooms, storage, cultivation, manufacturing, packaging and distribution of cannabis;

ORIGINAL

- 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 [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 November 21, 2021.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on November 21, 2023. Upon expiration of this Permit, the facilities 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 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 all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.

CODE ENFORCEMENT REQUIREMENTS:

13. Prior to the issuance of any building permit, the Owner/Permittee shall address the unpermitted interior partition walls and electrical wiring upgrades as either proposed to be removed or proposed to remain, per CED Code Case #228395.

ENGINEERING REQUIREMENTS:

14. 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.

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

16. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the Back-Flow Prevention Device in the public Right-of-Way. If new additional water services or an upgrade of existing water services will serve the project, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices, on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any landscaping in the Pacific Highway Right-of-Way.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new northern 24' driveway per current City Standards, adjacent to the site on Pacific Highway. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.

19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new southern 14' driveway per current City Standards, adjacent to the site on Pacific Highway. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.
20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new curb and gutter, adjacent to the site on Pacific Highway. Improvements shall be consistent with current City Standards, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.
21. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 10' sidewalk, adjacent to the site on Pacific Highway. Improvements shall be consistent with current City Standards, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.
22. 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.

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 thirteen employees shall be allowed on-site at any given time to correspond to the thirteen provided parking spaces for the project.
25. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
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. 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.

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. 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. The Marijuana Production Facility must comply with Chapter 4, Article 2, Division 15 of the San Diego Municipal Code, including obtaining a Marijuana Production Facility Permit, and Background Checks and Report Convictions.
30. An extension of time for a Conditional Use Permit granted to a marijuana production facility shall comply with the requirements of SDMC Section 126.0111 with the following exceptions:
- a. The extension shall be for a maximum of five (5) years
 - b. A decision on an application for an extension of time shall be made in accordance with Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.
 - c. The separation requirements in SDMC Section 141.0504(a) shall not be considered in making the findings required in SDMC Section 126.0111(g) when a specified use in SDMC Section 141.1004(a) has located within the required distance after the approval date of the initial Conditional Use Permit.
 - d. A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in SDMC Section 126.0111(g).
31. The 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. 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.

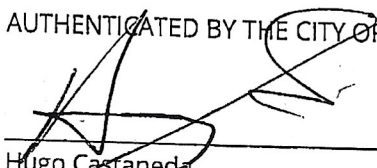
INFORMATION ONLY:

- 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 November 7, 2018 by Resolution No. HO-7170.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2066720
Date of Approval: November 7, 2018

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.

RAP Holdings, LLC
Owner

By 

Name: San Lyong

Title: Manager / Representative

See
Attached
Acknowledgment

United Partners, LLC
Owner

By 

Name: San Lyong

Title: MANAGING PARTNER

See Attached
Acknowledgment

Golden State Greens, LLC
Permittee

By 

Name: ADAM KNOPF

Title: Pres.

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

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California
 County of San Diego
 On January 24, 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: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

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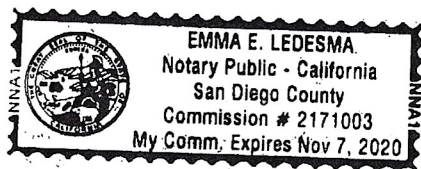
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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State of California
 County of San Diego
 On 01/08/19 before me, Emma E. Ledesma, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Jon Lyons
 Name of Signer

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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 and/or Stamp Above

OPTIONAL

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Title or Type of Document: _____

Document Date: NSIA Number of Pages: _____

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 of Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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State of California

County of San Diego

On 01/08/19

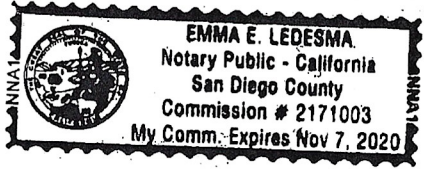
before me, Emma E. Ledesma, Notary Public

Here Insert Name and Title of the Officer

personally appeared Jon Lyons

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 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: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer - Title(s): _____ ☐ Corporate Officer - Title(s): _____

☐ Partner - ☐ Limited ☐ General ☐ Partner - ☐ Limited ☐ General

☐ Individual ☐ Attorney In Fact ☐ Individual ☐ Attorney In Fact

☐ Trustee ☐ Guardian of Conservator ☐ Trustee ☐ Guardian of Conservator

☐ Other: _____ ☐ Other: _____

Signer is Representing: _____ Signer is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

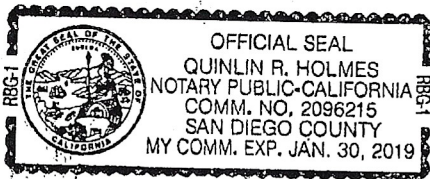
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of San Diego)
 On 1-9-19 before me, Quinlin R. Holmes, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Adam Knopf
 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: 1-9-19
 Number of Pages: 8 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Adam Knopf
☐ 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: _____

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HEARING OFFICER RESOLUTION NO. HO-7170
CONDITIONAL USE PERMIT NO. 2066720
MPF 4909 PACIFIC HIGHWAY - PROJECT NO. 585434

WHEREAS, RAP HOLDINGS, LLC a CALIFORNIA LIABILITY COMPANY and UNITED PARTNERS, LLC a CALIFORNIA LIABILITY COMPANY, Owner and GOLDEN STATE GREENS, LLC, Permittee, filed an application with the City of San Diego for a permit to operate a 32,830 square-foot Marijuana Production Facility within an existing 32,830 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2066720), on portions of a 1.02-acre site;

WHEREAS, the project site is located at 4909 Pacific Highway in the IL-3-1 Zone within the Linda Vista Community Plan area;

WHEREAS, the project site is legally described as Portion of Lot 272 of the Pueblo Lands of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in May 1870, a copy of which said Map was filed in the Office of the County Recorder of San Diego County November 14, 1921 and is known as miscellaneous Map No. 36. Abutters right of ingress and egress to or from State Highway have been relinquished in the document recorded November 20, 1951 in Book 4295, Page 345 and October 1, 1951 in Book 4249, Page 370, both of Official Records. An Easement and rights incidental thereto as granted in a document. In favor of the San Diego Gas and Electric Company for the purpose of public utility, ingress and egress, recorded, May 14, 1945, Book 1876 and Page 88, of Official Records affecting a portion of said land.

WHEREAS, on August 2, 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 Facility); 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 November 7, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2066720 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 November 7, 2018.

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 (CUP) to operate a 32,830 square-foot Marijuana Production Facility (MPF) within an existing 32,830 square-foot, one-story office warehouse building located at 4909 Pacific Highway. The 1.02-acre site is located within the IL-3-1 Zone within the Linda Vista Community Plan.

The site is within the Industrial Land Use Area and the Morena area of the Linda Vista Community Plan. The Morena area is designated for commercial and industrial uses, and serves businesses related to home furnishings, home improvements, warehouse and distribution facilities, light manufacturing, automobile repair and storage uses. The IL-3-1 Zone allows a mix of light industrial, office, and commercial. 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 CUP to operate a 32,830 square-foot MPF within an existing 32,830 square-foot, one-story office warehouse building located at 4909 Pacific Highway. The 1.02-acre site is located within the IL-3-1 Zone within the Linda Vista Community Plan. The building is currently being used for office warehouse uses. The project proposes tenant improvement to include cultivation, processing, storage, manufacturing, and distribution of cannabis products to State of California

License outlets. No retail sales are proposed. The proposed improvement 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 new curb, gutter, sidewalk, landscaping and two new driveways, adjacent to the site on Pacific Highway, 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 CUP No. 2066720. The CUP No. 2066720 is 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 CUP No. 2066720. 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 CUP to operate a 32,830 square-foot MPF within an existing 32,830 square-foot, one-story office warehouse building located at 4909 Pacific Highway. The 1.02-acre site is located within the IL-3-1 Zone within the Linda Vista Community Plan. The site was developed on 1953. The project proposes interior improvements including, office area, restrooms, storage rooms, cultivation rooms, extraction room and processing and packaging room.

MPF's are allowed in the IL-3-1 Zone of the Linda Vista Community Plan with a CUP. 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 complies 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.

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 a 32,830 square-foot MPF within an existing 32,830 square-foot, one-story office warehouse building located at 4909 Pacific Highway. The site and the surrounding parcels are located in the IL-3-1 Zone and is within the Industrial Land Use Area and the Morena area of the Linda Vista Community Plan. The Morena area is designated for commercial and industrial uses, and serves businesses related to home furnishings, home improvements, warehouse and distribution facilities, light manufacturing, automobile repair and storage uses. The IL-3-1 Zone allows a mix of light industrial, office, and commercial. The proposed MPF, 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 CUP. The proposed MPF is a compatible use for this location with a CUP. 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. 2066720 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. 2066720, a copy of which is attached hereto and made a part hereof.



Hugo Castaneda
Development Project Manager
Development Services

Adopted on: November 7, 2018

IO#: 24007570