

DOC# 2020-0123094



Mar 10, 2020 11:37 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

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

PAGES: 14

x
14p
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: 24008195

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2272235

MARIJUANA OUTLET 7625 CARROLL ROAD - PROJECT NO. 632038

AMENDMENT TO CONDITIONAL USE PERMIT NO. 1338819

HEARING OFFICER

This Conditional Use Permit No. 2272235, amendment to Conditional Use Permit No. 1338819, is granted by the Hearing Officer of the City of San Diego to Green Road, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 1.29-acre site is located at 7625 Carroll Road in the IL-3-1 Zone, Airport Influence Area (Miramar - Review Area 1), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Federal Aviation Authority Part 77 Noticing Area (MCAS Miramar) within the Mira Mesa Community Plan area. The project site is legally described as: Parcel D of Parcel Map No. 904, in the City of San Diego, County of San Diego, State of California, according to Parcel Map thereof filed in the Office of the County Recorder of San Diego County on July 18, 1972 as File No. 185254 of Official Records, being a portion of Lot 1 of G-W Industrial Park Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7120, filed in the Office of the County Recorder of San Diego County, November 18, 1971.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert an existing Medical Marijuana Consumer Cooperative to a Marijuana Outlet described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 19, 2020, on file in the Development Services Department.

The project shall include:

- a. Conversion of a Medical Marijuana Consumer Cooperative to a Marijuana Outlet in a 2,731-square-foot tenant suite, with 1,850 square feet of vacant space to remain, within an existing 4,581-square-foot building;
- b. Off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

[CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 4, 2023.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 4, 2025. Upon expiration of this Permit, the facilities and improvements described herein 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 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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. 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:

13. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct and complete the public improvements per the Approval No. 2252576, which include the reconstruction of the existing driveway and curb ramp per current City Standard, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

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

15. Consultations by medical professionals shall not be a permitted accessory use at the Marijuana Outlet.

16. Lighting shall be provided to illuminate the interior of the Marijuana Outlet, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

17. Security shall be provided at the Marijuana Outlet which 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.

18. Primary signs shall be posted on the outside of the Marijuana Outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.

19. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the Marijuana Outlet in character size at least two inches in height.

20. The Marijuana Outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

21. The use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.

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

23. The Conditional Use Permit for the Marijuana Outlet shall expire five years from the date of issuance.

24. Deliveries shall be permitted as an accessory use only from Marijuana Outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.

25. The Marijuana Outlet, adjacent public sidewalks, and areas under the control of the Marijuana Outlet, shall be maintained free of litter and graffiti at all times.
26. The Marijuana Outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
27. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
28. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

TRANSPORTATION REQUIREMENTS

29. The Owner/Permittee shall provide and maintain 10 feet x 10 feet visibility triangle areas along the property line on both sides of the driveway on Carroll Road. No obstacles, such as landscape, walls, columns, signs, shrubs, and others, can be higher than 36 inches shall be located within these areas.
30. The Owner/Permittee shall provide and maintain a major road sight triangular area of 2,190 square feet on the property along the projects' frontage on Carroll Road, as shown on Exhibit "A." No obstacles, such as landscape, walls, columns, signs, shrubs, and others, can be higher than 36 inches shall be located within these areas.
31. A minimum of 14 parking spaces (including 1 van accessible space) for the proposed Marijuana Outlet (with 27 parking spaces including 2 accessible spaces (1 van) provided), shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". 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.

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 February 19, 2020 and Resolution No. HO-7313.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2272235
Date of Approval: February 19, 2020

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.**

**Green Road, LLC,
a California Limited Liability Company
Owner/Permittee**

By 

Rick Engebretsen
Manager

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

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California

County of San Diego

On March 6, 2020
Date

before me Rose Marie White, Notary Public
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 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 or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

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

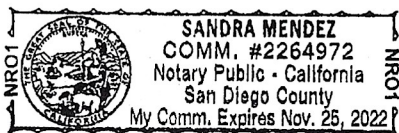
State of California)
County of San Diego)

On 03/05/2020 before me, Sandra Mendez, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Rick Engebretsen
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

Sandra Mendez
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, Marijuana Outlet 7625 Carroll Rd

Document Date: 03/05/20 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: _____

ORIGINAL

HEARING OFFICER
RESOLUTION NO. HO-7313
CONDITIONAL USE PERMIT NO. 2272235
MARIJUANA OUTLET 7625 CARROLL ROAD - PROJECT NO. 632038
AMENDMENT TO CONDITIONAL USE PERMIT NO. 1338819

WHEREAS, Green Road, LLC., a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to amend Conditional Use Permit No. 1338819, to convert an existing Medical Marijuana Consumer Cooperative to a Marijuana Outlet in a 2,731-square-foot tenant suite, with 1,850 square feet of vacant space to be remained, within an existing 4,581-square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2272235), on portions of a 1.29-acre site;

WHEREAS, the project site is located 7625 Carroll Road in the IL-3-1 Zone, Airport Influence Area (Marine Corps Air Station Miramar - Review Area 1), Airport Land Use Compatibility Overlay Zone (Marine Corps Air Station Miramar), and Federal Aviation Authority (FAA) Part 77 Noticing Area within the Mira Mesa Community Plan area;

WHEREAS, the project site is legally described as Parcel D of Parcel Map No. 904, in the City of San Diego, County of San Diego, State of California, according to Parcel Map thereof filed in the Office of the County Recorder of San Diego County on July 18, 1972 as File No. 18524 of Official Records, being a portion of Lot 1 of G-W Industrial Park No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7120, filed in the Office of the County Recorder of San Diego County, November 18, 1971;

WHEREAS, on November 19, 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 Section 15301, Existing Facilities, 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 February 19, 2020, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2272235, pursuant to the Land Development Code of the City of San Diego;

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. 2272235:

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 an amendment to Conditional Use Permit (CUP) No. 1338819 to convert an existing Medical Marijuana Consumer Cooperative (MMCC) to a Marijuana Outlet (Outlet) in an existing 2,731-square-foot tenant suite, with 1,850 square feet of vacant space to be remained, within an existing 4,581-square-foot building. The 1.29-acre is located at 7625 Carroll Road in the IL-3-1 Zone, Airport Influence Area (Miramar – Review Area 1), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Federal Aviation Authority Part 77 Noticing Area (MCAS Miramar) within the Mira Mesa Community Plan area.

The project site is in the Miramar Subarea, designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, Warehousing, distribution and similar uses. The Miramar Subarea encourages a mix of light industrial and specialized commercial uses.

The parcels to the north, east and west are within the IL-3-1 Zone and the parcel to the southeast is within the CC-3-5 Zone. The existing surrounding uses within the IL-3-1 Zone are consistent with the Light Industrial designation of the community plan. The proposed Outlet, classified as commercial services, is a compatible use for this location with a CUP and is consistent with the community plan, 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 an amendment to CUP No. 1338819 to convert an existing MMCC to an Outlet in an existing 2,731-square-foot tenant suite, with 1,850 square feet of vacant space to be remained, within an existing 4,581-square-foot building. Tenant improvements require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. The Project is also required to construct and complete the public improvements per Approval No. 2252576, which include the reconstruction of the existing driveway and curb ramp per current City Standard, satisfactory to the City Engineer. In addition, the site meets the required off-street parking requirement of minimum of 14 parking spaces.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15301, Existing Facilities.

Outlets are restricted to four per Council District, 36 City-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. Outlets require compliance with San Diego Municipal Code (SDMC) Section 141.0614 which require a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other MMCCs/Outlets, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The Outlet CUP imposes security conditions to improve the safety of the building and surrounding neighborhood, including the requirement to have operable surveillance cameras; a metal detector; security guards during business hours; exterior and interior lighting; hours limited from 7:00 a.m. to 9:00 p.m.; emergency contact information posted on the outside of the business; an emergency contact available 24/7; odor absorbing ventilation; signs limited to business name only; and all litter and graffiti removal within 24 hours. Outlets prohibit consultants by medical professionals on site and do not allow certain types of vending machines. Outlets must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in CUP No. 2272235. The CUP is valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit. 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 and therefore, the proposed Outlet will not be detrimental to the public health, safety and welfare.

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

The proposed project is a request for an amendment to CUP No. 1338819 to convert an existing MMCC to an Outlet in an existing 2,731-square-foot tenant suite, with 1,850

square feet of vacant space to be remained, within an existing 4,581-square-foot building. The proposed improvements require a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit. Tenant improvements require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. The site meets the required off-street parking requirement of minimum of 14 parking spaces.

Outlets are permitted in the IL-3-1 Zone with a CUP. The CUP requires Outlets to comply with SDMC Section 141.0614, which require a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other Outlets, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The Outlet CUP imposes security conditions to improve the safety of the building and surrounding neighborhood, including the requirement to have operable surveillance cameras; a metal detector; security guards during business hours; exterior and interior lighting; hours limited from 7:00 a.m. to 9:00 p.m.; emergency contact information posted on the outside of the business; an emergency contact available 24/7; odor absorbing ventilation; signs limited to business name only; and all litter and graffiti removal within 24 hours. Outlets prohibit consultants by medical professionals on site and do not allow certain types of vending machines. Outlets must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed Outlet is consistent with the land use designation of Light Industrial. The proposed Outlet meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with the development regulations of the SDMC.

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

The proposed project is a request for an amendment to CUP No. 1338819 to convert an existing MMCC to an Outlet in an existing 2,731-square-foot tenant suite, with 1,850 square feet of vacant space to be remained, within an existing 4,581-square-foot building. The site is in the IL-3-1 Zone and designated Light Industrial by the Mira Mesa Community Plan. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The Miramar Subarea encourages a mix of light industrial and specialized commercial uses. The proposed Outlet, classified as commercial services, is therefore consistent with the community plan.

Outlets are allowed in the IL-3-1 Zone with a CUP. The CUP requires Outlets to comply with SDMC Section 141.0614, which require a 1,000-foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other Outlets, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The Outlet CUP imposes security conditions to improve the safety of the building and surrounding neighborhood, including the requirement to have operable surveillance cameras; a metal detector; security guards during business hours; exterior and interior lighting; hours limited from 7:00 a.m. to 9:00 p.m.; emergency contact information posted on the

outside of the business; an emergency contact available 24/7; odor absorbing ventilation; signs limited to business name only; and all litter and graffiti removal within 24 hours. Outlets prohibit consultants by medical professionals on site and do not allow certain types of vending machines. Outlets must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

Outlets are restricted to four per Council District, 36 City-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. The parcels to the north, east and west are within the IL-3-1 Zone and the parcel to the southeast is within the CC-3-5 Zone. The existing surrounding uses in the IL-3-1 Zone are consistent with the Light Industrial designation of the community plan and compatible uses with Outlets. The site also meets the required off-street parking requirement of minimum of 14 parking spaces. Therefore, the proposed Outlet is an appropriate use at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2272235. 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. 2272235, a copy of which is attached hereto and made a part hereof.



Sammi Ma
Development Project Manager
Development Services

Adopted on: February 19, 2020

IO#: 24008195