

DOC# 2019-0231865



Jun 14, 2019 10:32 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$59.00 (SB2 Atkins: \$0.00)

PAGES: 16

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

WHEN RECORDED MAIL TO  
PROJECT MANAGEMENT  
PERMIT CLERK  
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007611

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2068281

**MPF 8390 MIRAMAR PLACE - PROJECT NO. 585648**

HEARING OFFICER

This Conditional Use Permit No. 2068281 is granted by the Hearing Officer of the City of San Diego to R. Michael Pack, Owner, and Wayne Yamamoto, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0305. The 0.72-acre site is located at 8390 Miramar Place in the IL-2-1 Zone, Prime Industrial Lands, Community Plan Implementation Overlay Zone - Type B, the Airport Land Use Compatibility (MCAS Miramar) Overlay Zone, MCAS Miramar - Noise 70-75 CNEL, the Airport Influence Area (MCAS Miramar - Review Area 1), MCAS Miramar Accident Potential Zone 1, and the Federal Aviation Authority (FAA) Part 77 Noticing Area, within the University Community Plan area. The project site is legally described as Lot 1 of Miramar Ridge, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 10438, filed in the Office of the County Recorder of San Diego County on July 22, 1982.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Marijuana Production Facility within an existing building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 6, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility in Suites A, B, and C within an existing 16,752 square-foot building. The operations shall include requirements consistent with the 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, storage 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

ORIGINAL

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 21, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 21, 2024. 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.



**BUILDING OFFICIAL REQUIREMENT:**

13. Prior to the commencement of operations granted by this Permit, the Owner/Permittee shall obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official.

**ENGINEERING REQUIREMENTS:**

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 construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Miramar Place Right-of-Way.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

18. Prior to the issuance of any construction permits, 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.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 25-foot driveway per current City Standards, on the southwest side of the site adjacent to Marindustry Drive.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 20-foot driveway per current City Standards, on the southeast side of the site adjacent to Marindustry Drive.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 20-foot driveway per current City Standards, adjacent to the site on Miramar Place.

22. Prior to the Issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing curb ramp, with current City Standard curb ramp and with Detectable/Tactile Warning Tile, adjacent to the site on Marindustry Drive and Miramar Place, satisfactory to the City Engineer.



**PLANNING/DESIGN REQUIREMENTS:**

23. All operations shall be conducted indoors within a secured structure. All equipment and storage shall also be located within a secure structure.
24. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
25. Security shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
26. The name and emergency contact 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.
27. A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
28. A Condition Use Permit for a Marijuana Production Facility shall expire no later than five (5) years from the date of issuance.
29. The retail sale of marijuana and marijuana products shall only be conducted by a Marijuana Outlet in accordance with Section 141.0504. A Marijuana Production Facility is prohibited from providing marijuana and marijuana products to any person other than another Marijuana Production Facility, a testing lab, or a Marijuana Outlet.
30. 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.
31. The Marijuana Production Facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
32. The Owner/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.
33. Owner/Permittee shall maintain minimum off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply

at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

34. 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.

#### **TRANSPORTATION REQUIREMENTS**

35. 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.

36. A maximum of 12 employees shall be allowed on-site at any given time to correspond to the 12 provided parking spaces for the project.

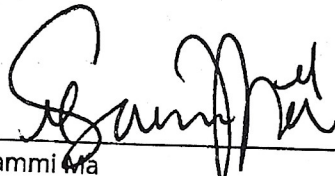
#### **INFORMATION ONLY:**

- 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 March 6, 2019 and HO-7214.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2068281  
Date of Approval: March 6, 2019

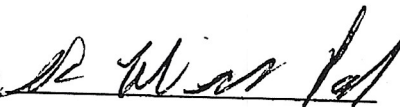
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

  
Sammi Ma  
Development Project Manager

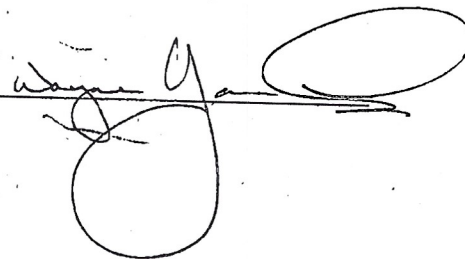
**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

**R. Michael Pack**  
Owner

By 

**Wayne Yamamoto**  
Permittee

By 

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



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APPROVED by the Hearing Officer of the City of San Diego on March 6, 2019 and HO-7214.

**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 DiegoOn June 14, 2019  
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**

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State of California )

County of SAN DIEGO )

On JUNE 5, 2019 before me, CHARLES B. PEDERSON, NOTARY PUBLIC

Date

Here Insert Name and Title of the Officer

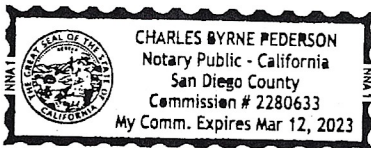
personally appeared R. MICHAEL BACK

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: CONA - USE PERMIT Document Date: \_\_\_\_\_

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**



# 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 JUNE 11, 2019 before me, \_\_\_\_\_  
Date

CHARLES R. PEDERSON NOTARY PUBLIC  
Here Insert Name and Title of the Officer

personally appeared \_\_\_\_\_

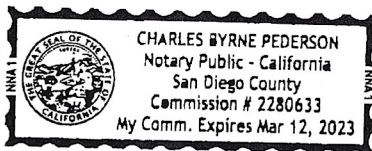
WAYNE YAMAMOTO

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: CONF. USE AGREEMENT Document Date: \_\_\_\_\_

Number of Pages: 7 Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_  
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☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

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☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

ORIGINAL

HEARING OFFICER  
RESOLUTION NO. HO-7214  
CONDITIONAL USE PERMIT NO. 2068281  
**MPF 8390 MIRAMAR PLACE - PROJECT NO. 585648**

WHEREAS, R. MICHAEL PACK, Owner and WAYNE YAMAMOTO, Permittee, filed an application with the City of San Diego for a permit to operate a Marijuana Production Facility within an existing 16,752 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2068281), on portions of a 0.72-acre site;

WHEREAS, the project site is located at 8390 Miramar Place, Suites A, B, and C in the IL-2-1 Zone, Prime Industrial Lands, Community Plan Implementation Overlay Zone - Type B, the Airport Land Use Compatibility (MCAS Miramar) Overlay Zone, MCAS Miramar - Noise 70-75 CNEL, the Airport Influence Area (MCAS Miramar Review Area 1), MCAS Miramar Accident Potential Zone 1, and the Federal Aviation Authority (FAA) Part 77 Noticing Area within the University Community Plan area;

WHEREAS, the project site is legally described as Lot 1 of Miramar Ridge, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 10438, filed in the Office of the County Recorder of San Diego County on July 22, 1982;

WHEREAS, on October 23, 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 January 8, 2019 pursuant to Resolution No. 312176;

WHEREAS, on March 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2068281 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. 2068281:

**A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.**

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility in Suites A, B, C within an existing 16,752 square-foot building located at 8390 Miramar Place. The 0.72-acre site is located in the IL-2-1 Zone within the Miramar Subarea of the University Community Plan area.

The project site is designated Restricted Industrial by the University Community Plan and is also identified as Prime Industrial Lands within the Economic Prosperity Element of the General Plan. The variety of industrial land use designations in community plan is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect a reserve of manufacturing land from non-manufacturing uses. The Restricted Industrial designations in the community plan would permit light manufacturing uses, such as large and small industrial, scientific research, warehousing, mini-storage, and automotive commercial. 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 requests a Conditional Use Permit to operate a Marijuana Production Facility (MPF) in Suites A, B, and C of an existing 16,752-square-foot building. The project also proposes tenant improvements to accommodate operations, including non-load bearing partitions, doors, lighting, security cameras and system, millwork, finishes throughout, and associated mechanical, electrical and plumbing improvements. No exterior building alterations would occur. Operations include the manufacturing,



production, storage and distribution of cannabis products. Public improvements include the construction of one 25-foot driveway, two new 20-foot driveways, and the reconstruction of an existing curb ramp with current City Standards. Furthermore, the proposed improvements would 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.

MPFs are restricted to forty facilities City-wide, within light and heavy industrial zones. MPFs 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. MPFs also require 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). 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. MPFs 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. 2068281. The Conditional Use Permit No. 2068281 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. 2068281. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project requests a Conditional Use Permit to operate a Marijuana Production Facility within an existing 16,752 square-foot building located at 8390 Miramar Place in Suites A, B, and C. The building was constructed in 1985. The existing use is warehouse and offices. The project proposes interior improvements including manufacturing areas, storage rooms, labs, harvest batch holding areas, preparation and extraction rooms, distribution areas and offices. Other minor site improvements proposed are consistent with the City of San Diego requirements.

MPFs are allowed in the IL-2-1 Zone of the University Community Plan with a Conditional Use Permit. The proposed use requires compliance with SDMC section 141.1004 and SDMC Chapter 4, Article 2, Division 15. SDMC section 141.1004 requires a 1,000-foot

separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. 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 requests a Conditional Use Permit to operate a Marijuana Production Facility within an existing 16,752 square-foot building located at 8390 Miramar Place in Suites A, B, C. The project site is located in the IL-2-1 Zone within the Miramar Subarea of the University Community Plan area. The project site is designated Restricted Industrial by the University Community Plan and is also identified as Prime Industrial Lands within the Economic Prosperity Element of the General Plan. The variety of industrial land use designations in community plan is intended to protect and enhance the existing industrial uses while providing an opportunity to increase industrial capacity to encourage new and relocated industries that provide employment opportunities for community residents. The Restricted Industrial designations in the community plan would permit light manufacturing uses, such as large and small industrial, scientific research, warehousing, mini-storage, and automotive commercial. Thereby providing additional land suitable for manufacturing activities.

The purpose and intent of the IL Base Zone is to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IL-2-1 allows a mix of light industrial, office, and commercial uses. Surrounding properties are zoned IL-2-1 and include uses consistent with the Restricted Industrial designation of the Community Plan.

The proposed MPF, classified as an industrial use, is a compatible use for this location with a Conditional Use Permit and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Restricted Industrial designation of the University Community Plan. 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. 2068281 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. 2068281, a copy of which is attached hereto and made a part hereof.



Sammi Ma  
Development Project Manager  
Development Services

Adopted on: March 6, 2019

IO#: 24007611