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Aug 15, 2019 10:43 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$56.00 (SB2 Atkins: \$0.00)

PAGES: 15

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007574

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2068720
MPF 9350 TRADE PLACE - PROJECT NO. 585463
PLANNING COMMISSION

This Conditional Use Permit No. 2068720 is granted by the Planning Commission of the City of San Diego to San Diego Trade Partners LP, a California Limited Partnership, Owner and Tradeworx Partners Inc, a California Limited Partnership, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone of the Mira Mesa Community Plan. The project site is legally described as Parcel 2 of Parcel Map No. 15372, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on September 15, 1988 as filed/page No. 88-464708, official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 40,368 square-foot Marijuana Production Facility within an existing 40,536 square-foot, two-story building at 9350 Trade Place in Suites A, B, C and D, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 9, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of a Marijuana Production Facility (MPF) within an existing 40,536-square-foot, two-story building. The MPF would occupy Suites A, B, C, and D which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The operation shall include requirements consistent with State of California statutes and the California Departments of Food and Agriculture, Consumer Affairs and Public Health regulations;
- b. The Marijuana Production Facility operations include cannabis cultivation, manufacturing, and distribution;
- c. Off-street parking; and

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- 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 May 9, 2022.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 9, 2024. Upon expiration of this Permit, the facilities and improvements described herein, excluding any public improvements, shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary construction permits. The Owners/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owners/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owners/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owners/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owners/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owners/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owners/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owners/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittee.

BUILDING OFFICIAL REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permits, the Owners/Permittee shall assure, by permit and bond, the reconstruction of the existing 21-foot wide, south driveway and 24-foot wide, north driveway, per current City Standards (24-foot wide each), adjacent to site on Trade Place, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, the Owners/Permittee shall assure, by permit and bond, the reconstruction of the curb ramp adjacent to site on Trade Place public right-of-way with current City Standards, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit, the Owners/Permittee shall incorporate Construction and Permanent Storm Water Best Management Practices (BMPs) necessary to comply with current City of San Diego Storm Water Standards Manual and with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permit the Owners/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

17. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents of right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilizes. Driveways, utilizes, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
18. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District of other approved entity.
19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees shall not be permitted.
20. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage of Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

21. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.
22. The Brush Management Program shall include a modified Zone One, ranging in width from 25 feet to 80 feet, extending from the rear of the structure to the rear property line. An off-site Zone Two, ranging in width from 0 feet to 75 feet, shall be provided adjacent property to the west per the Carroll Canyon Mining Reclamation Plan, CUP No. 89-0585, exercising Zone Two reduction set forth under 142.0412(f) and Zone Two expansion set forth under 142.0412(h)(7).
23. Prior to the issuance of any construction permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.
24. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to the approval of the Fire Marshal.
25. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

26. 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.
27. The Owners/Permittee shall provide a sufficient odor absorbing ventilation and exhaust system capable of minimizing excessive or offensive odors emanating outside of the permitted facility, to the satisfaction of the Development Services Department.
28. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
29. Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

30. 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.

31. The name and emergency contact telephone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.

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

33. The retail sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with SDMC Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.

34. 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.

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Cannabis businesses that operate or provide services within the City of San Diego are liable for a monthly gross receipts tax. As referenced in San Diego Municipal Code Section 34.0103 (b), taxable activities include but are not limited to, transporting, manufacturing, cultivating, packaging, or retail sales of cannabis and any ancillary products in the City. For additional information, contact the Office of the City Treasurer at (619) 615-1580.

APPROVED by the Planning Commission of the City of San Diego on May 9, 2019 by Resolution No. 5009-PC.

Permit Type/PTS Approval No.: Conditional Use Permit No. 2068720
Date of Approval: May 9, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


Tim Daly
Development Project Manager

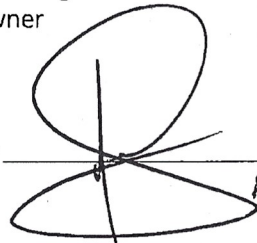
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

San Diego Trade Partners, LP.
Owner

JUMAH ELAJOU

By



Authorized Signatory

Tradeworx Partners Inc.
Permittee

Authorized Signature

Eman Elajou

By


EMAN ELAJOU

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

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

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

State of California)

County of San Diego)On August 6, 2019 before me, Stacie L. Maxwell, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared ---Tim Daly---

Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: MPF 9350 Trade Place - Project No. 585463Document Date: May 9, 2019Number of Pages: 8Signer(s) Other Than Named Above: ---Eman Elajou and Jumah Elajou---**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

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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.

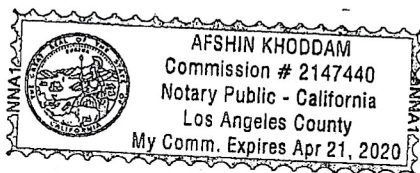
State of California)

County of LOS ANGELES)On 7, 30, 2019 before me, AFSHIN KHODDAM, Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared EMAN ELAJOU and JUMA H
Name(s) of Signer(s)ELAJOU

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 DocumentTitle or Type of Document: Approved for Conditional Use Permit # 2068726
Document Date: 7, 30, 2019
Number of Pages: 8 Signer(s) Other Than Named Above: _____**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

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PLANNING COMMISSION RESOLUTION NO. 5009-PC
CONDITIONAL USE PERMIT NO. 2068720
MPF 9350 TRADE PLACE - PROJECT NO. 585463

WHEREAS, SAN DIEGO TRADE PARTNERS LP, a California Limited Partnership, Owner, and TRADEWORX PARTNERS INC., a California Limited Partnership, Permittee, filed an application with the City of San Diego for a permit to operate a 40,368 square-foot Marijuana Production Facility within an existing 40,536 square-foot, two-story building at 9350 Trade Place in Suites A, B, C and D. (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2068720), on portions of a 2.3-acre site;

WHEREAS, the project site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 15372, in the City of San Diego, County of San Diego, State of California, according to map thereof, filed in the Office of the County of the Recorder of San Diego County, State of California on September 15, 1988 as filed/page No. 88-464708, official records;

WHEREAS, on September 26, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301, Existing Facilities, and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 3, 2018 pursuant to Resolution No. R-312076;

WHEREAS, on February 6, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2068720; and

WHEREAS, on February 20, 2019, Shahin Modine, filed a Development Permit Appeal Application (Appeal); and

WHEREAS, on May 9, 2019, the Planning Commission of the City of San Diego considered the Appeals and Conditional Use Permit No. 2068720 pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by Planning Commission of the City of San Diego, that it denies the Appeal and adopts the following findings with respect to Conditional Use Permit No. 2068720:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed project is a request for a Conditional Use Permit to operate a Marijuana Production Facility (MPF) within a 40,536 square-foot building located at 9350 Trade Place. The MPF would occupy Suites A, B, C, and D which consists of 40,368 square feet of floor area. An existing deli would occupy the remaining 168 square feet of floor area. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 Zone, Prime Industrial Lands, Federal Aviation Authority (FAA) Part 77 Noticing Area (Marine Corps Air Station (MCAS) Miramar), Airport Influence Area (MCAS Miramar – Review Area 1), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), and designated Industrial and Business Parks of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. The General Plan identifies a citywide shortage of land suitable for manufacturing activities and a need to protect manufacturing land from non-manufacturing uses. 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, designated Light Industrial, encourages a mix of light industrial and specialized commercial uses.

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

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan. The building is currently being used as a furniture store and bakery, with a vacant suite. The project proposes interior improvements that include offices, storage, cultivation area, manufacturing area, and distribution area. Other minor site improvements are proposed consistent with the City of San Diego requirements. The proposed improvements will require the Owner/Permittee to obtain a change of use/occupancy building permit consistent with all California Codes and Regulations in effect at the time of building permit, satisfactory to the Building Official. Public improvements would include the reconstruction of two existing driveways and curb ramp, adjacent to the project site on Trade Place with current City Standards. Brush Management shall be provided on the western portion of the project site, adjacent to the Carroll Canyon mining operations property, and landscape improvements and maintenance will also be required at the project site.

MPF's are restricted to forty City-wide, within light and heavy industrial zones. MPF's require compliance with San Diego Municipal Code (SDMC), section 141.1004, which require a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. MPF's also have a minimum distance requirement of 100 feet from a residential zone. The proposed MPF complies with the separation requirements as set forth in SDMC Section 141.1004 (a).

The proposed MPF is subject to specific operational requirements as set forth in SDMC Section 141.1004, including security requirements, such as lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. MPF's must also comply with SDMC Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed project will be required to comply with the development conditions as described in the Conditional Use Permit No. 2068720. The Conditional Use Permit No. 2068720 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. 2068720. The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area. Therefore, the proposed MPF will not be detrimental to the public health, safety and welfare.

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan.

MPF's are allowed in the IL-2-1 Zone of the Mira Mesa Community Plan with a Conditional Use Permit. The proposed use requires compliance with San Diego Municipal Code (SDMC), Section 141.1004 and Chapter 4, Article 2, Division 15. SDMC Section 141.1004 requires a 1,000-foot separation, measured between property lines, from resource and population-based City parks, churches, child care centers, playgrounds, City libraries, minor-oriented facilities, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. Security requirements, expressed as conditions in the Permit, include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours.

The proposed MPF is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. Therefore, the proposed MPF will comply with the regulations of the Land Development Code.

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

The proposed project is a request for a Conditional Use Permit to operate a 40,368 square-foot MPF within an existing 40,536 square-foot, two-story building. The 2.3-acre site is located at 9350 Trade Place in the IL-2-1 zone of the Mira Mesa Community Plan.

The project site is designated Industrial Employment by the Land Use and Community Planning Element of the General Plan. 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 Industrial and Business Park designation per the Mira Mesa Community Plan would permit light manufacturing uses, thereby providing additional land suitable for manufacturing activities. The proposed project will promote the policies of the General Plan because Marijuana Production Facilities (MPFs) are industrial manufacturing uses.

The proposed MPF, classified as an industrial use, is consistent with the underlying zone and land use designation. 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 Light Industrial designation of the Mira Mesa 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 the Appeals are denied, the decision of the Hearing Officer is affirmed, and based on the Findings hereinbefore, Conditional Use Permit No. 2068720 is hereby granted by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2068720, a copy of which is attached hereto and made a part hereof.



Tim Daly
Development Project Manager
Development Services

Adopted on: May 9, 2019

IO#: 24007574